

Michele Diafos
2000 Westlake ave N #8
Salsa houseboat owner , built 1986

Dear Joe,

I have lived on my houseboat, the Salsa, since 1992. It is my primary and only residence, a single family home afloat. It came with a hull # and I have liscenced it as a vessel for these many years.

Who are they, who are writing new laws, to tell us these are not vessels?; and to attempt to redefine Federal law?

This is beaurocracy at it's worst, without the legal, allowable response from its very victims, those of us who will, in fact, become homeless as a result.

This is not the democratic procedure. The Shoreline management group is, again, unwittingly undermining, the people and city, whom they serve. Just as they attempted to undermine and redefine the shoreline in Burien, and elsewhere in the city of Seattle,(causing expense to the city and those residents affected), they are at it again. I think it is time to revisit their purpose. This outcome was not what the voters wanted back in the 70.s when this agency was established..

Someone in government needs to take this on, and get our fair city back on track, with economic supports, such as allowing structures within 300 feet of waterfront to rent to whom they will., and grandfathering in the

floating “homes” and “vessels”, which are benign. These jewels, only add to the attractions of the city by the sound.

These new regulations are selective attacks on our homes and discriminate offensively against a tiny (less than 1%) of all liveboards.

I strongly object to this indiscriminate and unfair abuse of power.

The BIG UNANSWERED QUESTION IS WHY? This puzzles, even the officials who are in the loop on this one. We know because we have asked them!

Sincerely, Michele Diafos Lula member and long time liveboard.

Revd.
9/24/13

Vanneman, Jill

From: Michael Paine [MichaelPaine@comcast.net]
Sent: Thursday, September 26, 2013 11:02 PM
To: Vanneman, Jill
Cc: Conlin, Richard
Subject: DPD Director's Rule on Floating homes

Jill:

Thank you for the opportunity to comment on this proposed rule. I appreciate the difficult position that DPD is in faced with hundreds of angry citizens clamoring that their dwelling unit should be legalized as a vessel. However, based on the criteria included in the new rule, I have considerable reservation about whether the proposal strays too far from what naval architects and boat owners –myself included–regard as a vessel “designed for navigation.” I think the inclusion of a naval architects assessment is a good step in that legitimate design expertise is finally focused on the definitional questions. However, the minimum standards are simply too weak and seemed crafted to pass as many of these floating dwelling units as possible. It is simply disingenuous to craft navigational standards that no self-respecting naval architect would employ in designing a commercial or recreational vessel of any size and type.

Certainly there are different design parameters based on use; a Bering Sea fishing boat has different design parameters than a recreational fishing craft designed for Puget Sound; likewise a sailboat like mine is not suited to an around the world voyage. That aside, they both can manage more than a mile from home port under a range of weather and sea conditions; in most cases a single wave will not swamp the craft and sink it. Such craft are equipped with watertight port lights, hatches and bulkheads, powerful bilge pumps and a myriad other features design to keep the elements out and the boat safely afloat. The proposed rule contains standards that suggest a floating dwelling unit could qualify as a vessel if it makes a one mile trip on the calmest day on the City’s most urban lake. Hanging an outboard precariously off the stern and cobbling together a makeshift steering system incapable of managing the slightest breeze or current does not vessel make. In any reasonable understanding of the term, a craft with these characteristics is not a vessel and it is disappointing DPD would put a naval architect in the position of asserting that it is.

On balance, I wish DPD could have pursued a different strategy, one that focused on the impacts to water quality and the littoral area that comes with such intensive over water use, adding flexibility for those homeowners who greatly reduced their impact, but I understand the Shoreline Guidelines severely restrict non-water dependent overwater use. But one wonders whether torturing common sense and the SMP definition of recreational use to create “vessels” out of stick-building floating dwelling units is any improvement.

Michael Paine
4127 Corliss Avenue N
Seattle, WA 98103

Vanneman, Jill

From: terrin haley [terrinhaley@gmail.com]
Sent: Thursday, September 26, 2013 4:39 PM
To: Vanneman, Jill
Subject: houseboats

As the resident of a houseboat moored on Lake Union, I have been following this issue closely. I wanted to comment on Ed Murray's proposed designation of houseboats of houseboats as part of the affordable housing stock in Seattle. I

Most houseboats on Lake Union do not look as if they had been lifted from Washington Park. A tour of these dwellings reveals that most of these dwellings are modest, if not downright humble. Personal preference certainly drives the choice to be a liveaboard, but personal resources play a big part for many of us. Last summer one houseboat was available for \$55,000. originally bought a sailboat to live on for \$9,000. Those are damn good prices for housing in a city which recently was said to have the fastest rising rents in the country.

Not only are many houseboats affordable housing for many of us, but the structure of a houseboat community surely presents a great example of semi-communal living with shared resources. Far more people occupy far less space in a marina than they would in single family residences or even duplexes. It is a great way to promote density without building another apartment building. Furthermore, the residents at my marina share laundry facilities, garden opportunities, and have access to good bathroom facilities if their vessels do not offer that.

And how many residences, other than the Gates dwelling on Lake Washington,, draw crowds of tourists all year round? Those Duck Boats go by all the time. We constitute a money-making attraction and as such are as iconic a part of this city as the Space Needle, the Ballard locks and Pike Place Market.

One last comment: a naval architect and a spin on the lake? This is punitive and is an attempt to call a house a boat. We live in these residences; we don't run off to the San Juans in them. The city needs to reconceptualize houseboats and acknowledge them for what they are: relatively low-cost, high density urban enclave which just happens to be liquid.

Terrin Haley

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Terrin (Misty) Haley

Vanneman, Jill

From: Keith Scully [Keith@newmanlaw.com]
Sent: Monday, September 23, 2013 3:18 PM
To: Vanneman, Jill
Subject: Comment on proposed director's rule relating to floating dwelling units

I write in opposition to Seattle's proposed director's rule.

A. The rule will unfairly bankrupt me and many other homeowners.

I bought a vessel in 2007 while going through a divorce, after carefully checking Seattle and the state's rules to make sure I would be in compliance. It cost a little over \$200,000 to purchase, is registered as a vessel, and I pay both property (for the slip) and vessel taxes every year. In 2010, I replaced the wood hull with a steel one, costing over \$100,000. I still owe a significant amount on it. It has navigation equipment and a motor, and meets the Department of Licensing's requirements. But is it seaworthy? I have no idea. If a marine engineer finds otherwise, I will be forced to remove it from Seattle's waters. And there is simply no market for a vessel of this nature if it cannot remain in Seattle; it will be a total loss, and I will be left with an unsecured loan that I cannot repay. And I was never trying to cheat or skirt rules: my vessel met every parameter to legally be on the lake when I bought it.

B. The rule makes no sense.

a. There is no environmental difference between a "traditional" live-aboard and my vessel.

As other comments on the proposed rule have made clear, there is no environmental detriment to these vessels. A "traditional" liveaboard—a sailboat or a motorboat—is not required to have a sealed blackwater system. I do, meaning that there is no possibility of sewage discharge. And every other impact of living on the water is identical: there is simply no environmental reason to discriminate between vessels.

b. I contribute significantly to the Lake Union economy.

i. Marine purchases and repairs

Within the last three years, I have contributed well over \$100,000 to the Lake Union marine economy, using local vendors exclusively. A vibrant working waterfront—one of Seattle's planning goals—requires a working marine economy. Replacing my vessel at the dock with a ski boat that requires virtually no maintenance or services isn't the way to meet that goal: it is, in fact, the exactly wrong approach.

ii. Tourism

Seattle's water-based living is a key tourist draw. Duck Boat tours narrating that my boat and the others next to it were "year-round living!" were an annoyance when I lived there, but demonstrated just how unique and special these water-based lifestyles are. Losing the residential marinas means Seattle loses part of its appeal.

C. At a minimum, vessels on the water before the rule change should be allowed to remain.

For unclear reasons, the City has decided to remove vessels that are not seaworthy. While I disagree with this policy decision, on fairness, economic, and environmental grounds, if this is the course the City chooses, I ask that you only enforce the rule prospectively. Vessels don't last forever, and as aging vessels are removed the City can meet its goal of getting rid of them. But bankrupting people that have consistently followed the rules is simply unjust.

I look forward to a final rule that is fair.

Keith Scully

Attorney at Law

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Email privileged and confidential - please destroy if you are not the intended recipient

Lumsden, Faith

From: Mauri Shuler [maurishuler@icloud.com]
Sent: Wednesday, September 18, 2013 5:14 PM
To: Lumsden, Faith
Subject: Re: Preliminary rule

In that case, Faith, it is complaint-driven and has nothing to do with the license recommended by the Stakeholder group. So, we could just ignore the city and wait for someone to complain about us... is that right? Therefore, why do we need a license?

You can be confident someone is going to launch complaints about every single boat in the Shilshole marina and make you tell them all to do a test run.

Actually, someone can launch complaints about every single boat on the lake.

That ought to keep you busy.

:)

We will probably not waste a lot of time trying to get the city to rewrite this, Faith, because DPD has been against us from the beginning and it's useless.

We will fight this on other fronts.

Mauri

These are retroactive rules, Faith, that did not exist

On Sep 18, 2013, at 5:02 PM, Lumsden, Faith wrote:

Hi Mauri, I'm sorry you feel that way. It seems straightforward to us and we've cut it down to the most simple test we can find. The code says you can live on a vessel as long as the vessel has steering and self propulsion (thus, is not a house barge.) If you can't actually move under your own power, then you're not a vessel with steering and self propulsion, you're a house barge. You might look back to the language of Tip 229 (CAM 229) where it talks about vessels used as residences: "if they are used for residential purposes they must be able to travel under their own power to open water, including a method for steering and propulsion,...

Also, we think application of the Rule will be fair. The rule would apply to any floating residence that is not a floating home or registered house barge. **So if someone complained to us** that a cabin cruiser was being used as a liveaboard and it did not have a motor anymore, we would require them to do a performance test, just like any other "houseboat."

Having said all that, I'm still open to understanding the issues with this approach and figuring out if there is a better way to describe or enforce the rules that apply. We're starting a file for all the public comments and questions, so I'll put yours into the file. I hope to see you on October 1st.

Best regards,

Faith Lumsden

Compliance Director

Seattle Municipal Tower, 19th Floor

206-615-0097

Building a Dynamic and Sustainable Seattle

From: Mauri Shuler [mailto:maurishuler@icloud.com]
Sent: Wednesday, September 18, 2013 3:20 PM
To: Lumsden, Faith
Subject: Re: Preliminary rule

Faith,

I am wildly disappointed and am hearing voices in my organization of "we told you so."

This draft is Draconian. I don't see how the city can force SOME boat owners to prove their boats can navigate... and not other boats. What about affordability and liability? Is the city planning to pay for all these tests?

Ironically of all, Mike Sherlock's boats will **all** easily qualify while the smaller ones (the affordable housing ones) will not ... simply because the owners cannot afford it. We have disabled, retired, starter families, and downright poor people who will be trapped. Shameful.

I'm so saddened. And you thought we didn't need legal or legislative help??!! Ha.

Praying and working for a new mayor who finds better things to do with the talents of his DPD staff,

Mauri

On Sep 18, 2013, at 12:14 PM, Lumsden, Faith wrote:

Hi Mauri, sorry I couldn't get this to you sooner. Have had a morning of many meetings. The preliminary draft rule is attached. I also included a link to the Building Connections blog. You can download the rule from the blog. Also it has info on the public meeting. <http://buildingconnections.seattle.gov/2013/09/18/preliminary-directors-rule-relating-to-vessels-used-as-dwelling-units/>

Faith Lumsden

Compliance Director

Seattle Municipal Tower, 19th Floor

206-615-0097

Building a Dynamic and Sustainable Seattle

<Prelim DR Floating Dwelling Units.pdf>

Vanneman, Jill

From: Lumsden, Faith
Sent: Monday, September 30, 2013 10:51 AM
To: Vanneman, Jill
Subject: FW: October 1 meeting

Another comment

From: Mauri Shuler [mailto:maurishuler@icloud.com]
Sent: Saturday, September 28, 2013 10:24 AM
To: Lumsden, Faith
Subject: Re: October 1 meeting

Hi Faith,

It's so wet outside I cannot bring myself to go anywhere this morning. And, for the past 2 years, I've had little on my mind but houseboats and grandchildren. So, I'm focused on houseboats today in preparation for next week's meeting.

For the sake of discussion, may I assert a few thoughts?

We have on Lake Union a community of vessels that are liveaboards, whether acknowledged or not. There are more than have been counted. Some are pointy, some are not. Some have engines attached, some of those engines don't work. Some have taken their boats out in the past but no longer do.

I still fail to see the problem the city is trying to fix, in the end. It's become so convoluted through 6 different versions from DPD.

It clearly is NOT about the environment. If the city is concerned about water quality, the city would never require more engines and more movement around the lake, as that clearly adds to a net loss in water quality. The SMA's goal is **NO NET LOSS**. I've even told DOE that if they are serious about that, they must restrict the number of boat movements to the current number. In the future, no boat owner can take their boat out on the water any more than they do this year. And, the number of vessels of ALL types would have to be limited to today's number. That would not sit well with marinas and other commercial interests, but that would, indeed, constitute NO NET LOSS.

Of course, the city would have to solve all of its pollution problems, too, as in, storm water runoff and sewer overflows.

So, this is NOT about the environment.

What is it about? Is it, as Sally Clark said, owners have "gamed the system" and there are those in the city who just are mad about it? What does 'gaming the system' mean? Would it mean that we have boats that are lived aboard, but don't go running around the lake? Well, there are a LOT of those, already, so why would houseboats be exceptional? No one 'gamed the system.'" We did built boats to liveaboard, completely within the rules at the time.

So, it is NOT about scofflaws.

Is it about taking up boat slips from other, more conventional boats? We've proven with data that is not the case. (And, why are conventional boats more desirable?)

So, it is NOT about moorage inventory.

The bugaboo seems to be "used" for navigation, as you say.

Let's examine "used" for navigation. It is not defined in the SMP. It is not defined in the SMA. It is not defined in RCWs or WACs. It is not defined anywhere that I can find. Most searches yield information about shooting the stars with a sextant or using a GPS system, both of which we can do from our boat. I could assert 'used for navigation' means sitting in the water or being pushed through the water, as many vessels do.

All of us have houseboats designed to be vessels, some self-built, some with architects, but they don't move off the dock because they are designed as houseboats on inland water. It is a class of boat. This is historic in Seattle, as it is in many other places around the world since the dawn of man-on-the-sea.

'Used for navigation' was not defined for me when I bought my boat and **you cannot go back and try to define it NOW...** as naval-architect-approved or having to perform a nautical mile test. **That is clearly retroactive.** I don't know why you cannot see that.

When our boat was built (by a young architect, by the way) he strictly followed what he read in the city's written guidance. (We have engines, but not mounted because of the deterioration of the engines and potential for pollution.)

Our friend Matt did the same: he built his own vessel, took the plans to the city DCLU or DPD and asked about a permit and was told, "Nope, it's a boat, you don't need a thing from us." He has a steering station and engines, but not having used them in 10 years, they may not be reliable. (There are many boats here that aren't reliable.) Furthermore, he doesn't WANT to take it out on the lake, for a wide variety of reasons: he has had to install a special system of ropes and chains to keep his boat securely on our finger pier, as he is broadside to the wind. He is a struggling independent businessman and cannot afford the time or money to do so. Or, he just doesn't feel like it. Why should we be treated differently than any other boat owner who doesn't take his boat out? I don't see how the city can force us to do that, anymore than you can force us to drive a car we own.

So, there are no rules about "used for navigation" in the current SMP. Those cannot be retroactively added, unless you change the SMP and resubmit it to Ecology.

The city (Richard Conlin) blames the state for forcing the city to regulate houseboats. He says the state SMA states "over water residences" are not preferred. True. But OVER water is not the same as IN water or ON water. That is why I am working with the legislature to make clear their intent. If living IN or ON the water in boats was really not a desired use, then the city needs to go after ALL liveaboards, regardless of engines and steering. They would have done that from the beginning, aggressively.

So, let's clarify with the state what OVER water residences really meant when they wrote it. Clearly, they determined floating homes to be water-dependent in a bill that is called the "Houseboat" bill! So, floating homes are not OVER water residences anymore. Pointy liveaboards aren't OVER water, either, or the city would have gone after them, too. So, obviously, the legislature needs to clarify for the city what they meant. Two state agencies have different attitudes toward houseboats: the Dept of Licensing licenses us (at our great expense annually) as Houseboat Vessels; yet the Department of Ecology says we can't be here.

As one state legislator told us, "If the city is blaming us for forcing this issue, why haven't they asked the city's legislators to step in?" Good question. According to him, none of the delegation has been consulted by anyone in the city.

Why hasn't the city worked with the legislature on this? Frankly, this needs state-wide clarity.

So, I have to repeat my first question: **What's the problem the city is trying to solve? If it's 'used for navigation', I'm afraid you cannot define it after-the-fact.**

If it's the state's "over water residences" prohibition, then ban all liveaboards or get the state to clarify what OVER water means.

The city has taken an aggressive and punitive direction against us from the beginning, instead of trying to work WITH us... with ALL liveaboards... AND with the state... for a clear solution.

I like to imagine the worst-case scenario in a fearful situation to see what the problem really is. So, if the city fears houseboats... and doesn't do anything about regulating them or banning them, what's the worst-case scenario? More houseboats could come onto the lake, maybe a lot more houseboats. Oh my! What if, someday, every boat slip was filled with a houseboat? Oh my! Would that be worse than every boat slip filled with a yacht? I think it would be city with character!

So, my advice is for the city to admit they didn't define "designed and used for navigation" (or don't admit it) ... have houseboat owners voluntarily come in for a certification that they are a houseboat, get a stamp from the city, and let it go. The city is already losing the lawsuit filed by the NOV plaintiffs and the city attorney asked to settle the case. Your Director's Rule will give them all a free ride... but screw the little guy.

While I know you've done your best, the Director's Rule is a lost cause.

I, personally, vow to fight it as hard as I can with whatever means I can.
Mauri

On Sep 27, 2013, at 5:23 PM, Lumsden, Faith wrote:

Mauri, thanks. I know we disagree on some points, but we're still open to figuring out a different tack. By words in code today, I mean we have to deal with "designed and used for navigation;" also the steering and propulsion part that distinguishes houseboats from house barges.

I'll bring info about the comments we've received, and your note makes me think we should probably find a way to post them online so everyone can see them.

Same to you on enjoying this soggy weekend. FL

From: Mauri Shuler [<mailto:maurishuler@icloud.com>]
Sent: Friday, September 27, 2013 4:18 PM
To: Lumsden, Faith
Subject: Re: October 1 meeting

Yes, I will be there. I just sent a mass email to our membership so maybe others will come. Have you gotten many comments yet? David Pitt, marina owner, says he wrote, but has no confidence in change, sadly. What do you mean by the " words in the code today."? Can you be specific? You know the performance test and the naval architect are not acceptable to me. Many of our members simply don't have the money and it is a new retroactive requirement. It was not there in the current SMP when so many of us built our vessels. Your proposed enforcement will target us, leaving other vessels alone. But I'll write something more articulate I hope. Have a good, albeit soggy, weekend.
Sent from my iPhone

On Sep 27, 2013, at 3:03 PM, "Lumsden, Faith" <Faith.Lumsden@seattle.gov> wrote:

Hi Mauri – I know you said you were not pleased with the preliminary draft of the director's rule that we published last week, but I was hoping that LULA would notify members of the proposal and the public meeting. Perhaps you have, but I looked on the LULA website and didn't see anything there, so thought I would check in. I do hope people will come to the meeting and try to work within the language of the existing code. I suspect total grandfathering is the preferred approach for some or most LULA members, but honestly, DPD can't get there given the words in the code today. Anyway, I hope to see you next Tuesday.

Faith Lumsden

Compliance Director

Seattle Municipal Tower, 19th Floor

206-615-0097

Building a Dynamic and Sustainable Seattle

Vanneman, Jill

From: V Sybert [vsybert@hotmail.com]
Sent: Sunday, September 29, 2013 1:32 PM
To: Vanneman, Jill
Subject: Shoreline rules

I am writing to express my deep concern about the proposed Preliminary Director's Rule Relating to Floating Residences which I see as threatening and punitive and unfairly retroactive.

The purposes addressed by the Rule are as follows:

1. Protect the ecosystems of the shoreline areas;
2. Encourage water-dependent uses;
3. Provide for maximum public use and enjoyment of the shorelines of the City; and 4. Preserve, enhance and increase views of the water and access to the water."

We understand the need to protect the waterfront and the water. We bought our houseboat at Gasworks Park Marina in 2006 and from the day we bought it we have had our gray and black water pumped out (receipts available upon request) and have never put a drop into the lake. We do not affect the ecosystem more adversely whether we can motor or not. Our home is water dependent. Its keel is not mean for land dwelling. Our slip has been occupied by this structure for more than 10 years and does not block the skyline any more than its neighbors, and no more than if it could motor handily.

At the time of purchase, we understood that in Seattle, barges were limited by law and therefore our boat, bulky and unwieldy at 10' x 30', needed to have a working motor, be able to be motored, and be registered as a boat. We were assured by the seller that these requirements were met. We have registered the houseboat as a boat each year. We would be delighted to be a barge and remove the motor, but were precluded from that because of the cap on barges. How is our houseboat any more deleterious to the ecology of the waterfront if it has to be towed rather than motor out on its own, if its effluvia are contained?

Now we stand to lose a significant investment and our daughter's home if we cannot maintain its current status or sell the boat as a houseboat in the future. Why? Why is there this rococo and convoluted reworking of the code if the major issue is lake contamination? Just make it illegal to empty anything into the lake. We're already there. Help us connect to city sewage systems (similar to floating homes) on our marina, where everyone has long-term leasing and an investment in the future viability of our community. We've already joined the faction of our group pursuing that possibility and achieving that goal would trump any concern that future owners might not be as green as we. Floating homes are million dollar properties that you seem to want to protect. What about the littler guys?

Forgive us for naiveté and misconceptions, but please protect our minimalist and plucky lifestyle Why not let us become a barge? Why not grandfather us? Making me pay to motor out our home and motor it back and destroying us if we can't, doesn't seem to address any of the three tenets set out in the report.

Virginia P. Sybert
Gasworks Park Marina

Slip 18A
206-328-0999

Vanneman, Jill

From: Bill Wehrenberg <bill@acadiaconsulting.com>
Sent: Monday, October 28, 2013 7:24 AM
To: Vanneman, Jill
Subject: DPD Directors Rule

I am in full and complete support of the Lake Union Liveaboard Association (LULA) position regarding the Preliminary Draft Director's Rule governing liveaboard vessels in the City of Seattle. We encourage and urge DPD to adopt this position in total. The LULA proposal provides a simple, workable solution. I urge immediate and total adoption of the LULA proposal for a Director's Rule.

Thank you,

Bill Wehrenberg
206-200-8636

Vanneman, Jill

From: Katie Oman <koman@artsconsulting.com>
Sent: Sunday, October 27, 2013 4:53 PM
To: Vanneman, Jill
Cc: Sugimura, Diane; Lumsden, Faith
Subject: Liveboard vessels in Seattle: re: draft director's rule

Dear Ms. Vanneman, Ms. Sugimura, and Ms. Lumsden:

As a resident of Gasworks Park Marina, I am in full and complete support of the Lake Union Liveboard Association (LULA) position regarding the Preliminary Draft Director's Rule governing liveboard vessels in the City of Seattle.

We encourage and urge DPD to adopt this position in total. The LULA proposal provides a simple, workable solution. I urge immediate and total adoption of the LULA proposal for a Director's Rule.

With thanks,

Katie Oman

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Vanneman, Jill

From: Sugimura, Diane
Sent: Sunday, October 27, 2013 11:15 AM
To: Charles Draper
Cc: Chinn, Bonita; Vanneman, Jill; Davis, DianeC; Lumsden, Faith
Subject: RE: Proposed Live-aboard Directors rule issues

Thank you for thinking of that ... I do want to assure you that we are all connected here, so we are tracking all the comments coming in!

From: Charles Draper [<mailto:cdd111@nwlink.com>]
Sent: Saturday, October 26, 2013 11:18 PM
To: Sugimura, Diane
Subject: FW: Proposed Live-aboard Directors rule issues

Dear Ms. Sugimura

I am forwarding letter I composed as President of Association of Independent Moorages that was sent to Ms. Lumsden. I received notice that she would not be back until next month. I therefore am submitting to you as well.

Respectfully

Charles Draper

From: Charles Draper [<mailto:cdd111@nwlink.com>]
Sent: Wednesday, October 23, 2013 10:53 PM
To: 'faith.lumsden@seattle.gov'

Cc: 'Margaret Freeman'; 'Adrienne Brastad'; 'Al Foltz'; 'Anne Fitelson'; 'Barry Gehl'; 'Barry Ohai'; 'Bill Buck'; 'Bob Ranzenbach'; 'Brian Bjur'; 'Brooke Stabbert'; 'Bruce Barker'; 'Bruce Ramon'; 'Cary Swasand'; 'Charles Draper'; 'Chris Swasand'; 'Dan Franck'; 'Dan Henke'; 'Dave Pitt'; 'David Maimon'; 'David McClain'; 'DeWitt Jensen'; 'Don Filer'; 'Doug Dixon'; 'Elliott Bay Marina'; 'Erica Meyers'; 'Eugene Wasserman'; 'Gary Stone'; 'Gene Mitchell'; 'Gordon Ruh'; 'Hilton Smith'; 'Jack & Sue Dills'; 'Jackie Costigan'; 'Jay Wakefield'; 'Jean Barber'; 'Jennifer Cox'; 'Jerry Dinndorf'; 'Jim Ferguson'; 'Joel Blair'; 'Kate'; 'KC Chen'; 'Kevin Bagley'; 'Lisa Picard'; 'Lisa Wilson'; 'Lyle Gregory'; 'Lynne Reister'; 'Marc Wilson'; 'Margie Freeman'; 'Mark Nelson'; 'Megan'; 'Molly Brackett'; 'Molly Cadranell'; 'Nancy Durlington'; 'Pamela Hale'; 'Patti Segulja-Lau'; 'Patty Chastain'; 'Paula Jackson'; 'Peter Schrappen'; 'Richard Gordon'; 'Sam LeClercq'; 'Sam LeClercq'; 'Steve Agnew'; 'Suzie Burke'; 'Theone Scholl-Tollefson'; 'Thomas Bayley'; 'Will Black'; 'William Low'; 'John Houlihan'; 'John Kane'; 'Nick Buck_Niehaus'; 'Richard Seaborn'; 'William Wilson'

Subject: Proposed Live-aboard Directors rule issues

Ms. Lumsden

I am Charles Draper Jr. VP / Secretary of Salmon Bay Marina. I am also the President of "The Association of Independent Moorages".

Enclosed is a response letter to the directors Rule for Live-aboards

We are opposed to the significant restrictions and classification methods being suggested by the proposed Director's Rule X-2013.

The proposed SMA Live-aboard definition is over reaching and does not truly define accurately what should be easily classified as their registered voting address.

The characterizations being suggested in the Director's rule along with poor definitions will have a significant negative effect on marinas and water oriented businesses in Seattle.

Vanneman, Jill

From: Sugimura, Diane
Sent: Sunday, October 27, 2013 11:44 AM
To: Michael Kirshenbaum
Cc: Vanneman, Jill; Chinn, Bonita
Subject: RE: The proposed Director's Rule creates major problems

Thank you for your comments. We are reviewing all the comments and will be drafting further revisions.

-----Original Message-----

From: Michael Kirshenbaum [<mailto:mkirshenbaum@lakeunionsearay.com>]
Sent: Monday, October 14, 2013 10:16 AM
To: Sugimura, Diane
Subject: The proposed Director's Rule creates major problems

Dear Director Sugimura,

Please do not use the Director's Rule to create undue hardship on the maritime small business in Seattle.

. The Draft DR Creates Regulatory Inconsistencies.

The Draft DR purports to impose rules for determining whether a "dwelling unit floating on the water" is permitted or prohibited under the existing Shoreline Master Program ("SMP"). The first paragraph of the Draft DR expressly states that "new floating dwelling units that locate on Seattle waters after the effective date of the SMC Chapter 23.60A will be subject to the new code." Given DPD's estimate that the new Chapter 23.60A will take effect "in early 2014," the Director's Rule, if adopted, would have limited, if any, application beyond that date. This is the case because the Draft DR does not simply modify or interpret the proposed Chapter 23.60A, it applies an entirely different set of standards and criteria for determining what vessels may be regulated as dwelling units and what vessels may be considered exempt from the SMP.

As a member of Northwest Marine Trade Association, I can tell you that NMTA lobbied the City to avoid the unfair result of having only a discrete set of vessel manufacturers recognized as legitimate vessels under the proposed SMC 23.60A.942. See SMC 23.60A.214(B); Ordinance 124105. The Draft DR applies yet another set of qualifying standards to determine vessel status. However, the recently adopted Seattle SMP amendments, if approved by Ecology, will quickly supersede the DR. Nonetheless, both the pending SMP amendments and the Draft DR "fix" are overly burdensome and unacceptable.

. The Proposed "Performance Test" is Unnecessary and Overly Burdensome.

While NMTA supports the City's efforts to clarify vessel status under the SMP, the Draft DR creates an expensive and burdensome process of demonstrating vessel navigability. The proposed "Performance Test," is wholly unnecessary, and should be limited, if at all, to instances involving enforcement actions.

. The Proposed Rule Creates a Competitive Disadvantage for the Seattle Industrial Community.

The Draft DR appears to prohibit any non-powered vessel with living facilities to be moored in a Seattle industrial boat or shipyard. The Draft DR would prevent floating caretakers facilities as well. As a result, the Seattle industrial

waterfront community would be adversely affected by not being able to bid government contracts that require floating caretaker facilities and accommodation barges for crews.

. Statewide Legislative Action is Warranted.

The City would benefit by supporting a statewide effort aimed at a new law around rules or legislation clarifying standards for allowing floating dwelling units and supporting the unique needs of commercial and industrial waterfront businesses. Reliance on a "Performance Test" is not a workable or efficient way of regulating desirable uses under the State Shoreline Management Act. Similarly, the ad hoc reference to acceptable brands of vessels in the pending SMP is also unfair and puts Washington vessel manufacturers, brokers and other service providers out of work.

Sincerely,

Michael J. Kirshenbaum
3201 Fairview Ave E
Seattle, WA 98102

Vanneman, Jill

From: Joanne Gies <joannegies@hotmail.com>
Sent: Sunday, October 27, 2013 10:10 AM
To: Vanneman, Jill; Lumsden, Faith; diane.sigamura@seattle.gov
Subject: Adopt LULA proposal

Greeting,

I am in full and complete support of the Lake Union Liveaboard Association (LULA) position regarding the Preliminary Draft Director's Rule governing liveaboard vessels in the City of Seattle. We encourage and urge DPD to adopt this position in total. The LULA proposal provides a simple, workable solution. I urge immediate and total adoption of the LULA proposal for a Director's Rule."

Joanne Gies
Gas Works Park Marina Slip #4

Vanneman, Jill

From: Greg Baumann [gregbaumann@juno.com]
Sent: Tuesday, October 01, 2013 11:10 AM
To: Vanneman, Jill
Cc: maurishuler@icloud.com
Subject: Proposed Director's Rule is a setback for Ecology
Attachments: Oil Sheen.jpg

I cannot attend Tuesday's meeting due to my work schedule, so I'd like to submit my contribution to the discussion ahead of time. I'm a houseboat liveboard, airline pilot, and LULA board member with real concerns about your department's proposed Director's rule. First of all, I want to state for the record that my houseboat would pass the proposed Director's Rule with flying colors because it was certified by a naval architect and equipped with self-propulsion and steering at the time of manufacture. It is also used on a regular basis as a recreational pleasure boat (I have ample video and photographic evidence of its navigating the waters of Lake Union and Lake Washington). In addition, my houseboat serves as a volunteer vessel at Seafair where it has served as the event's waterside ops communication vessel for the past two years (making its own way from my fee-simple, deeded moorage on Lake Union to the logboom and back without assistance).

If you're looking for a "poster vessel" to represent what the Director's Rule is prescribing to warrant being classified as a legal houseboat, look no further. In 2005, I contracted with Twin Anchors Marine to custom-build an engine-driven houseboat on the advice of a realtor that hinted at possible problems on the horizon for owners of unpowered houseboats. I left nothing to chance, and my houseboat is beyond reproach in satisfying the requirements of the proposed Director's Rule. I have nothing to fear from your department insofar as being targeted for an NOV. What I do fear, however, is your agency's continued bamboozling of the general public and vulnerable stakeholders vis-a-vis the proposed Director's Rule with its inherent ecological contradictions.

Where does the city's updated SMP address remediation of oil slicks caused by engine-driven vessels or contain language seeking gradual reductions in the number of oil-spewing, gas-belching engine-driven vessels?

Nowhere... Yet, as a liveboard for the past seven years, I've witnessed multiple oil slicks drifting across the lake from the marina next door and I've encountered countless others as I've kayaked the shoreline. Several days ago, I witnessed a significant oil slick as I left for the airport, and I captured it on my smartphone (see attached photo). Oil slicks are byproducts of engine-driven vessels, and it therefore confounds me why the proposed Director's Rule would stipulate that all houseboats must henceforth pass performance tests requiring (in many cases) the retrofitting of engines that will inevitably add to the problem. Put more engine-driven vessels on the lake and you'll get more oil slicks and dead fish. Reduce the number of engine-driven vessels on the lake and you'll get fewer. Simple as that.

Common sense and fifth grade science tell us that ecology would be better served by NOT REQUIRING houseboats lacking self-propulsion to "engine up?" This question is not rocket science and I would truly appreciate a straight answer at Tuesday's meeting. Several of my fellow board members will be in attendance and they would appreciate a direct response to this very specific concern. As the drama unfolds in the coming months, I shall continue my personal campaign to document my encounters with real-world (see it, smell it, touch it) pollution which is being overlooked by your agency. Each picture is worth a thousand words.

Ecologically yours,

Gregory Baumann
Board Member, LULA

Vanneman, Jill

From: Greg Baumann <gregbaumann@juno.com>
Sent: Friday, October 25, 2013 10:51 PM
To: Vanneman, Jill
Subject: Director's Rule Comment
Attachments: LULA Position.pdf

As a liveaboard and LULA board member, I fully support the attached LULA position statement concerning the draft Director's Rule.

Thank you for your consideration,

Gregory Baumann

Vanneman, Jill

From: Bruce Jensen <bwjseattle@mac.com>
Sent: Friday, October 25, 2013 8:39 PM
To: Vanneman, Jill
Cc: Lumsden, Faith; Sugimura, Diane
Subject: I support LULA's position on the Draft Director's Rule

Dear Ms. Vanneman-

I want you to know that I am in complete support of the Lake Union Liveaboard Association (LULA) position regarding the Preliminary Draft Director's Rule governing liveaboard vessels in the City of Seattle. This issue has caused many months of needless worry and concern for my family, and it's time to resolve it once and for all. Houseboats owners and other liveaboards are fantastic stewards of Lake Union, an important vibrant Seattle community, and deserve to be treated fairly. **The LULA proposal provides a simple, workable solution.** I urge immediate total adoption of the LULA proposal for a Director's Rule.

Sincerely,

Bruce Jensen

Vanneman, Jill

From: Gary Lagerloef <gary.lagerloef@gmail.com>
Sent: Friday, October 25, 2013 8:18 PM
To: Vanneman, Jill
Cc: Marcia Lagerloef; Kari Lagerloef; John Chaney
Subject: Comments on the Draft Director's Rule X-2013, governing liveboard vessels in the City of Seattle

Department of Planning and Development
700 5th Avenue, Suite 2000
Seattle, WA 98124-4019
Attn: Shoreline DR

We are family owners of a liveboard vessel located at Nickerson Marina, Seattle, and offer the following comments regarding the Draft Director's Rule X-2013:

1. We strongly oppose the provisions in the draft rule, and recommend the rule *not* be adopted as is. The rule's provisions for liveboard vessel certification are unnecessary and unwieldy. Furthermore, the City grants itself certain authority over regulating vessels that is legally questionable. We believe that the current SSMO regulations are clear and unambiguous, wherein a vessel must be designed and used for navigation and to be so, must have means of steering and propulsion. The city should accept that any vessel meeting those simple criteria is legal for residential use. Any further restrictions and sea trials outlined in the draft rule are arbitrary and without clear justification.
2. The draft rule's certification process, if adopted, would give the City legal authority to disallow retroactively certain vessels for residential use that are arguably legal under the current regulations. This would be unfair and discriminatory, and a departure from the standard practice of grandfathering existing legal uses when new and more restrictive regulations are enacted.
3. We endorse the alternative plan proposed by the Lake Union Liveboard Association in a letter to you from Aramburu and Eustis, LLP, October 24, 2013. This provides a simple and verifiable process for obtaining a certification from the City for a vessel to be legally used as a residence under the existing SSMP. This certification would also be perpetual and transferable to future owners of the vessel.

Thank you for your consideration,

Gary & Marcy Lagerloef, Bainbridge Island,
Kara Lagerloef, Seattle

Vanneman, Jill

From: Langdon Miller <langdonmiller@gmail.com>
Sent: Friday, October 25, 2013 4:39 PM
To: Vanneman, Jill
Cc: Sugimura, Diane; Lumsden, Faith
Subject: Comment on LULA position on Draft Director's Rule X-2013 Regarding Liveboard Vessels

Dear Ms Vanneman:

I am writing to you as a Seattle citizen, houseboat owner, and board member of the Lake Union Liveaboard Association (LULA). I wish to comment on the position taken by LULA regarding the draft Director's Rule issued by the Department of Planning and Development (DPD) on 18-Sep-2013.

As you are aware, the LULA position was submitted in a letter from LULA's attorney, Jeff Eustis, that was conveyed to you, Diane Sugimura, and Faith Lumsden on 24-Oct-2013. LULA's specific requests for change to the draft Director's Rule are fully enunciated in that letter and do not need further elaboration. I would only like to emphasize that **DPD should give particular consideration to the LULA proposals** for the following reasons:

- The LULA proposals convey the sentiments of a group representing hundreds of Seattle citizens with ownership interests in the ~115-125 houseboats that have been the primary basis for contention.
- The proposals put forth by LULA are an attempt to define common ground with DPD, building directly on the concepts put forth by DPD in the 18-Sep-2013 draft of the Director's rule.
- Relying on the expertise within the LULA group and working with Mr. Eustis, LULA has attempted to suggest well-reasoned modifications to the draft Director's Rule that enhance the flexibility and clarity of the regulatory process while remaining true to existing law
- DPD implementation of the LULA recommendations will provide a solution that can minimize expenditures of further DPD time and resources in regulatory or legal disputes with houseboat owners.
- DPD implementation of the LULA recommendation will provide a solution for the majority of vessel owners – including owners with substantial financial resources and large vessels and those with limited resources and more modest vessels.

I very much appreciate the constructive engagement with DPD that Faith Lumsden and Diane Sugimura are bringing to this issue. I fully support the LULA proposals and hope that DPD and the city will continue to work closely with LULA to find a mutually agreeable path forward.

Sincerely yours,

Langdon Miller

Langdon L Miller, MD

Seattle, WA, USA

Mobile: 908-906-6471

E-Mail: langdonlmiller@gmail.com

Vanneman, Jill

From: Hal Urbanek <haluwa@yahoo.com>
Sent: Wednesday, October 23, 2013 3:02 PM
To: Vanneman, Jill
Cc: Hal
Subject: <http://buildingconnections.seattle.gov/2013/09/18/preliminary-directors-rule-relating-to-floating-residences/>

DPD.....

I won't bother to comment on any specific rules you are proposing because by now you must know that your actions are totally illegal and unsupportable in court. To single out a certain category of legally licensed vessels and proceed to try and direct rules toward them shows not only your utter lack of the law, but demonstrates an arrogance and disregard for the pain and suffering you have inflicted upon hundreds of vessel owners.

You can only hope that your jobs are "safe" as the general population becomes more aware of your folly. The thousands and thousands of tax payer dollars you have wasted to determine "if a legally licensed" vessel is a vessel is surreal in its ignorance and its arrogance. Kind of like discussing "what the definition of is is?" Your overlord mcginn will lose his job because of his arrogance and you should wonder if you won't be close behind him.

Let me end this statement by saying that when you come after a person's home you have crossed the line. Don't be surprised at the personal consequences of your actions when you make such threats. Your karma sucks BIG TIME.....

It's my sincere hope that our new mayor will can your asses or make life hell for you and your ridiculous department.

Hal Urbanek
Threatened vessel/home owner

Vanneman, Jill

From: Hal Urbanek <haluwa@yahoo.com>
Sent: Friday, October 25, 2013 4:28 PM
To: Vanneman, Jill
Cc: Hal
Subject: Preliminary Draft Director's Rule governing liveaboard vessels in the City of Seattle

DPD

After suffering the last year from extreme stress, insomnia, nervous tension, inability to perform work duties, paranoia, and depression among other extreme and various symptoms I realize and have documented that these conditions all stem from the fact that my home has been threatened as has my livelihood. The threat comes directly from the City of Seattle and now from the DPD. I fully intend to pursue all remedies to end this threat including legal reimbursement for the considerable pain and suffering your cause of action has caused me. I'm sure if I threatened your home and livelihood you would be in a very similar circumstance.

The DPD can go a long way to reverse what up to this point has been an unwarranted abuse of power. I therefore am in full and complete support of the Lake Union Liveaboard Association (LULA) position regarding the Preliminary Draft Director's Rule governing liveaboard vessels in the City of Seattle. We encourage and urge DPD to adopt this position in total. It solves the problems identified in the city's current draft of a Director's Rule. The LULA proposal provides a simple, workable solution. I urge immediate and total adoption of the LULA proposal for a Director's Rule."

Do the right thing.

Hal Urbanek

Vanneman, Jill

From: Sugimura, Diane
Sent: Friday, October 25, 2013 3:08 PM
To: Kevin Wold; Lumsden, Faith
Cc: Vanneman, Jill
Subject: RE: LUA and LULA Supporter

Thank you very much.

From: Kevin Wold [<mailto:kw@woldenterprises.com>]
Sent: Friday, October 25, 2013 2:22 PM
To: Lumsden, Faith
Cc: Sugimura, Diane
Subject: FW: LUA and LULA Supporter
Importance: High

Subject: LUA and LULA Supporter

Dear Faith Lumsden,

As a member of the Lake Union Association, which represents me as a property and marina owner, I fully support the positions that both LUA and the Lake Union Liveaboard Association have taken with regard to 'dwelling units floating on the water'. I would encourage DPD to void the present draft and replace it with the suggestions that LULA has offered. They present a simple solution to a small problem that our City has spent too much time and money trying to solve. Thank you for your consideration.

Sincerely,

Kevin Wold
Nautical Landing Marina

--

Kevin Wold
Wold Enterprises.
Nautical Landing.
Ph 206-464-4614
Fax 206-464-1154
www.Nautical-Landing.com

Vanneman, Jill

From: Sugimura, Diane
Sent: Friday, October 25, 2013 3:08 PM
To: Adrienne Brastad; Lumsden, Faith
Cc: Vanneman, Jill
Subject: RE: Lake Union

Thank you very much.

From: Adrienne Brastad [<mailto:abrastad@columbiawest.com>]
Sent: Friday, October 25, 2013 3:06 PM
To: Sugimura, Diane; Lumsden, Faith
Subject: Lake Union

Dear Director:

As a member of the Lake Union Association, which represents me an agent for the property and marina owner, I fully support the positions that both LUA and the Lake Union Liveaboard Association have taken with regard to 'dwelling units floating on the water'.

I would encourage DPD to void the present draft and replace it with the suggestions that LULA has offered. They present a simple solution to a small problem that our City has spent too much time and money trying to solve.

Please listen to what the people want and need.

Thank you.

Sincerely,

Adrienne Brastad,
Property & Marina Manager

Columbia West Properties, Inc.

Office 425-455-5825 | Fax 425-455-5749

155 108th Ave NE, Suite 350 | Bellevue, WA 98004 [[Map It](#)]

[Website](#) | [Facebook](#) | [LinkedIn](#)

Vanneman, Jill

From: Ken Mehan <kenmehan@hotmail.com>
Sent: Friday, October 25, 2013 2:35 PM
To: Vanneman, Jill
Subject: Preliminary Draft Director's Rule

Jill- The Lake Union Liveaboard Association proposal is more workable and realistic (considering those of us affected by it who have significant financial and emotional attachments to the houseboats in which we have lived for the past ten years) and should be considered in its entirety for the Director's Rule. The entire process, starting with the initial efforts of Ms. Glowacki and that is to result in a Director's Rule, has been very convoluted, meandering, and replete with sudden deadlines for input that seems to be ignored. Please give the LULA proposal the consideration it deserves. Sincerely, Ken Mehan

Vanneman, Jill

From: Les Kerr <les@morsekob.org>
Sent: Friday, October 25, 2013 2:07 PM
To: Vanneman, Jill
Subject: Additional comment on Draft Director's Rule X-2013

Dear Ms. Vanneman:

I have already submitted my comments on the proposed Director's Rule (in an email to you dated October 9, 2013). I have just had the opportunity to review LULA's comments (as conveyed to you in a letter from Jeffrey Eustis dated October 24, 2013), and I can say I wholeheartedly support their recommendations in every respect. They are consistent with the spirit and intent of my earlier comments, and I believe they provide the basis for moving forward in a way that is both fair and effective.

Sincerely,

—Les Kerr

Vanneman, Jill

From: Kilroy Hughes <kilroy_hughes@hotmail.com>
Sent: Friday, October 25, 2013 1:44 PM
To: Vanneman, Jill; Lumsden, Faith; Sugimura, Diane
Subject: Don't sink our houseboats

I wanted to voice my support for the proposal made by the Lake Union Liveaboard Association (LULA) that protects existing houseboats in Seattle from scuttling by new rules proposed by DPD which would retroactively redefine what a vessel is in order to eliminate houseboats.

I've been living on my houseboat for seven years, and plan to keep on doing it. Houseboats are a famous feature of Seattle culture, and should be protected, not eliminated or clouded by uncertainty as the proposed rules would do.

Robert K Hughes

Vanneman, Jill

From: Theo Eicher <theoeicher@gmail.com>
Sent: Friday, October 25, 2013 12:57 PM
To: Vanneman, Jill; Lumsden, Faith; diane.sigamura@seattle.gov
Subject: Comment on Preliminary Draft Director's Rule

I am in full and complete support of the Lake Union Liveaboard Association (LULA) position regarding the Preliminary Draft Director's Rule governing Liveaboard vessels in the City of Seattle.

I urge DPD to adopt this position in total, the LULA proposal provides a simple, workable solution. I urge immediate and total adoption of the LULA proposal for a Director's Rule.

Our boat has be our home for many years, and I very much appreciate your interest in consideration of this as you discuss the issue.

Theo Eicher, Gasworks Park Marina



P.O. Box 1209
Seattle, WA 98111-1209

Tel (206) 728 3000
Fax (206) 728 3252

www.portseattle.org

October 25, 2013

Diane Sugimura
City of Seattle
Director, Department of Planning and Development
700 5th Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Re: Port comment on Draft Director's Rule X-2013

Thank you for the opportunity to provide comments on the Preliminary Draft Director's Rule X-2013 concerning vessels used as dwellings. We appreciate that DPD has extended the deadline to October 25, 2013.

The Port is sympathetic to the Draft Rule's intent to regulate floating dwelling units and understands the complexity of crafting language to accomplish this goal. However, we are concerned that the Draft Rule creates unduly expensive and unwarranted regulatory measures that could apply to a variety of vessels that are clearly not used as dwelling units. Our comments expressed below are submitted as a result of this concern and focus upon increasing the clarity of the Rule rather than changing the intent of the Rule.

The Port proposes that all commercial vessels operating under a valid business license be exempt from this proposed Rule. Dwelling unit amenities on commercial vessels are necessary for crew to use during periods of work and during vessel maintenance, but commercial vessels are not intended for full-time residential use. Such an exemption would better clarify the intention of the rule and would address this significant concern shared by the Port and many of its stakeholders.

Another concern we share with other marina operators relates to enforcement of the Rule. Marina operators lack the authority and expertise to enforce this proposed Rule. If the City believes that individual vessels should be evaluated under the criteria of this rule, then the Port will look to the City to administer it.

A large number of live-a-boards (LABs) reside on recreational vessels moored at Port of Seattle marinas that are clearly designed for navigation and capable of navigation. Under the proposed Director's Rule, each one of these LABs may have to hire a naval architect annually to certify that their vessels are designed and used for navigation. Though it may not be the intention of the City to enforce the hiring of a naval architect for the LABs that reside on sailboats, cabin cruisers, and yachts, paragraphs 2, 3 and 4 of the Rule creates confusion regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Jones Stebbins".

Stephanie Jones Stebbins
Port of Seattle
Director, Seaport Environmental Programs and Planning

Vanneman, Jill

From: Davis, DianeC
Sent: Thursday, October 24, 2013 2:26 PM
To: Vanneman, Jill
Cc: Sugimura, Diane
Subject: FW: Houseboats

Jill - Did you get this one?
(and, Diane S, your name was misspelled so here is your copy)

From: NPontious@aol.com [<mailto:NPontious@aol.com>]
Sent: Thursday, October 24, 2013 2:17 PM
To: Lumsden, Faith; Davis, DianeC; Diane.Sigmura@seattle.gov
Subject: Houseboats

To Whom It May Concern:

We are writing in support of the houseboat owners on Lake Union for many reasons. First of all, it is baffling that there is a movement to remove them at all. They are such a part of the culture and persona of the Seattle area. They are a true identifying factor when people speak about Seattle. They add so much charm and positiveness about the lifestyle your area promotes.

Next, in other situations similar to this, the present owners usually are grand fathered in since they are so heavily invested in the matter--many have their life savings tied up in these boats. What will their value be if they are made to leave? They are your true stewards of the Lake because it is their home and their values are dependent on the health of the waters.

On our many visits out there, we have taken boat trips around the lake and through the channels and observed many floating houses and old rusty boats which appear to be doing much more damage than the houseboats. Many of those boats do not appear to be navigable any longer. Our question is, Why?. Can't you work with these owners and try to understand how much this means to them. It is akin to the city taking your house under Eminent Domain and you receiving nothing in return.

Please consider this when attempting to change people's lives so drastically when there must be a more fair solution. So many in this country have suffered so much in the past six years, but this is a preventable situation.

Thank you for listening.

Neil and Carol Pontious
5402 Winding Creek Place
Rockford, Illinois 61114

Vanneman, Jill

From: Matthew Pontious <mpontious2@hotmail.com>
Sent: Friday, October 25, 2013 9:40 AM
To: Vanneman, Jill
Subject: Please support LULA's recommendations

Jill

I am in 100% support of LULA's recommendations to the DPD regarding the directors rule. I believe LULA's knowledge and understanding of the issues makes them very qualified to make recommendations that meet the city's goals while helping to protect its tax paying citizens. Please accept the recommendations as many people have worked very long and hard to come up with this workable solution (below).

thank you,

Matthew Pontious

LULA makes the following specific recommendations to the DPD and the City of Seattle relating to the composition of the Director's Rule:

- A vessel moored in Seattle waters prior to the effective date of the new SSMP (SMC § 23.60.A - Ordinance 124105) will be considered a legal vessel and will be considered conforming if the vessel meets the following criteria:
 1. The vessel is designed and used for navigation, and
 2. The vessel has a means of steering and propulsion, and
 3. Items 1 and 2 above are documented by either:
 - a. An affidavit from an independent marine professional with at least 5 years of experience, such as a naval architect, marine surveyor, boatyard operator, shipwright, or boat designer; or
 - b. Written or pictorial evidence (e.g., log books, video, photos) provided by the vessel owner that the vessel has used its own propulsion and steering to navigate in waters typical of those in which the vessel is

moored.

- Selection of an independent marine professional will be at the discretion of the vessel owner, who will be responsible for any costs incurred.
- A vessel owner who submits the necessary documentation will be provided with a certificate of compliance or equivalent written recognition by OPO that the vessel meets the legal definition of a vessel under SMC § 23.60.942 and SMC § 23.60.090F.
- Once a vessel has been certified by DPD as a legal vessel, any owner of that vessel will not need to seek recertification from DPD.
- Providing vessel documentation and obtaining DPD certification will be voluntary on the part of the vessel owner. This means that the owner of a vessel will not be required to provide documentation and obtain DPD certification unless a notice of violation (NOV) is issued against a vessel for noncompliance with the requirements of the Director's Rule; in this case, if the owner can establish that the vessel was moored in Seattle waters prior to the effective date of SMC § 23.60.A (Ordinance 124105), the vessel owner would be afforded the opportunity to present documentation that the vessel is designed and used in navigation consistent with SMC § 23.60.942 and SMC § 23.60.090F (as described in Item 3 above).
- Owners of vessels issued an NOV will have an opportunity to correct any deficiencies and seek DPD certification. Any appeal of DPD's determination would be reviewable by the Office of the Hearing Examiner, with any appeals of the Examiner's decision being reviewed by the King County Superior Court through an action under the Land Use Petition Act (consistent with the compliance recommendations in the Final Report and Recommendations of the Seattle On-Water Resident Stakeholders Group, Appendix 0,31 May 2013, copy attached).

Vanneman, Jill

From: Cindy Wishart <cdietz@hickorytech.net>
Sent: Friday, October 25, 2013 8:32 AM
To: Vanneman, Jill
Subject: Endorsement of LULA position

Dear DPD Representatives:

I am e-mailing you in support of the LULA position on the Draft Director's Rule. This is very important to all houseboat owners in the Seattle area. Your decision will not only have a huge economic effects on all houseboat owners, but could potentially result in the loss many peoples homes. Please support the LULA position on the Director's Rule.

Sincerely,

Cindy Wishart

Vanneman, Jill

From: Fogarty Faith <faithfog@gmail.com>
Sent: Friday, October 25, 2013 4:00 AM
To: Vanneman, Jill
Subject: Director's rule on liveaboard vessels

Dear Ms. Vanneman:

I want to lend my full support to the position of the Lake Union Liveaboard Association in regard to the Preliminary Draft of the Director's Rule for liveaboards in Seattle's waters.

I have read what they are proposing and I think it is very reasonable and a simple and progressive way to solve the problem DPD has with the houseboats. I have been living under a black cloud of worry and concern since this issue raised its head a couple of years ago, as I am retired and my main asset is my little houseboat on Lake Union.

I was able to have it brought into the marina under its own power and steering, so I know it is navigable but at my age, I am not going to want to take it out for a spin on the water. It'd be a waste of gas and also add pollution and disturbance to the already busy inner waters of Seattle, through which the salmon fingerlings struggle to get to the sea as it is.

The fewer boats out on the water, the better for the environment. -- certainly in terms water quality and habitat protection.

I also am concerned that the boat-related industries and service-providers of Seattle will suffer if our boats are banned.

Please accept and adopt the suggestions of LULA, which echo the opinion of the vast majority of Seattle's boat owners and boat builders (an important industry in Seattle).

Sincerely,
Faith Fogarty
2143 N. Northlake Way #53
Seattle, WA 98103

PS: A friend of mine suggested that I mention that it was in fact a houseboat of sorts that saved humanity from extinction, lo, some years ago, so maybe houseboats should get more respect. With waters rising all over the earth, that's not as facetious as it might sound.

Vanneman, Jill

From: Bob Dannenhold <rd@collegeology.com>
Sent: Thursday, October 24, 2013 9:09 PM
To: Vanneman, Jill
Subject: Draft Directors Rule, SUPPORT FOR LULA'S Recommendation

Dear Jill,

Please know I support, in entirety, the recommendations set forth by LULA as a response to the draft Directors Rule. After what seems like never ending meetings the time has come for a positive resolution to this very serious situation. These vessels are our homes. We all followed every rule the city had available to us at the time we built them. We are responsible stewards of the lake.

If DPD "staff," who have rejected the hard work of the Stakeholders Group and others in the past have a need to continue with what seems like some kind of vendetta, then those "staff" need to come to meetings and talk to us directly and publicly. The staff who have attended meetings are wonderful, supportive and very helpful. Who are these "back room" people who take pictures of our boats not only from land but from a Police boat? Hopefully, we can all agree this is not only inappropriate, but scary.

I appreciate your work on this issue and look forward to a positive resolution as soon as possible, Respectfully, Bob

Bob Dannenhold

Collegeology / Application Navigation
927 N. Northlake Way, Suite 300
Seattle, Wa. 9810

P: 206 633-0443

F: 206 633-6343

Email: rd@collegeology.com

Vanneman, Jill

From: bagemup4u@gmail.com on behalf of Kevin Bagley <Kevin@TheKevLin.com>
Sent: Thursday, October 24, 2013 6:49 PM
To: Vanneman, Jill
Cc: Bill Cirino; Bill Wehrenberg; Brian Sykes; Greg Baumann; John Chaney; John Geisheker; Kevin Bagley; Langdon Miller; Linda Bagley; Lynne H. Reister; Mauri Shuler; Mike Sherlock; Sugimura, Diane; R. Shawn Griggs; Smith, Darryl; Raup, Ethan; Patti Bishop; Dave A. Cook
Subject: Comment on Draft Director's Rule

Please include the following in the comments on the Draft Director's Rule pertaining to Determining whether a dwelling unit floating on the water that is not a floating home or a registered house barge meets Seattle Shoreline Master Program requirements:

Letter supporting LULA position on Draft Director's Rule

INTRODUCTION

My name is Kevin Bagley, and together with my wife, Linda Bagley, we founded the Lake Union Liveaboard Association. As the founders of Lake Union Liveaboard Association (LULA), we have been deeply involved with many people who live aboard their vessels in Seattle waters (some for decades). We have heard and felt their plight over the last three years, to achieve a reasonable interpretation of the phrase "Designed and Used for Navigation" (SMC § 23.60.942) and "have a means of steering and self propulsion" (SMC § 23.60.090) which would allow their continued existence and remove the looming threat of potential Notices Of Violations.

MANUFACTURED CRISIS

It has been our position from the start of this manufactured crisis, that the vast majority of vessels, that were claimed by DPD representatives to be illegal, were in fact perfectly legal and met the criteria of being Designed and Used for navigation, having a means of steering and propulsion. This is a simple criteria that can be simply evaluated. The repeated contrived interpretations over the last 3 years by DPD representatives were ***specifically crafted to eliminate those vessels which have a more house-like appearance*** (regardless of meeting the law of being Designed and used for navigation, having a means for steering and propulsion). DPD repeatedly proposed criteria including Sail Area to Hull Plan Ratio, Sail Area to Length Ratio, Sail Area to Beam Ratio, Ability to maneuver in Beaufort 3 wind conditions, Freeboard Requirements, Symmetric Embarkation points, inboard propulsion, weathertight doors, bulwarks, unassisted delivery voyage, Specific Insurance Requirements, Naval Architect certifications, Specific construction materials and window types, horsepower requirements, hull designs, and performance tests are of which all contrivances which are NOT industry standards and are not recognized by any maritime professional body or association. All of these were added, contrived criteria that could not conceivably be counted as a viable interpretations of Designed and Used for navigation having a means for steering and self propulsion.

NEED FOR RESOLUTION

The need for final resolution is mandated because of public statements made by representatives of DPD over the last 3 years which eluded to the illegality of a significant number of vessels. Statements made on radio programs, in printed statements, and in testimony to the Seattle City Council by DPD representatives accused vessel owners of evading the law, being scofflaws, and bending the rules. Our vessels were referred to as "Shanty Boats" and we were accused of dumping blackwater. These statements were made without basis in fact or law, but the result of these statements created an

environment where people have lost value in their property, have had difficulty in receiving financing for purchases of vessels, or people have been unable to buy or sell their property.

CAUTIOUSLY ENCOURAGED

Recently, we have been cautiously encouraged by conversations with representatives of DPD, including Diane Sugimura and Faith Lumsden and have also been encouraged by statements from the Mayoral Candidates, Ed Murray and Mike McGinn, both of whom have indicated that they do not want people to lose their homes. Creating a rule that does not create NEW criteria and does not include subjective criteria is critical to assuring the continued existence of an iconic part of Seattle and does not punish people for obeying a law as written.

LULA POSITION IS RATIONAL AND REASONABLE

We endorse the Lake Union Liveaboard Association position as being rational and reasonable as it provides an equitable solution without causing undue hardship to vessel owners to prove compliance with the law. To accomplish this, LULA's solution allows a vessel owner to voluntarily submit documentation that would allow them to receive a certificate indicating compliance with the law. To comply, a vessel owner would need to prove their vessel meets the 4 requirements specified in the law;

1. designed for navigation
2. used for navigation
3. has a means for steering
4. has a means for self propulsion

Proof of these requirements would be through one of 2 means;

1. Affidavit from independent marine professional, selected and paid for by the vessel owner (specifics are in the LULA proposal); or
2. Written or pictorial evidence (log books, videos, photos) showing that the vessel has used its own propulsion and steering to navigate in waters typical of where the vessel is moored.

PUT AN END THE UNCERTAINTY - MOVE FORWARD

The current crisis can be ended simply, equitably, and would allow people to move forward with their lives. The proposed LULA solution would mean that people would no longer have to live in fear that DPD would be issuing Notices of Violations and trying to remove certain liveaboard vessels from Seattle waters. It is apparent that the new SMP, currently being reviewed by DOE, draws a hard line in the sand. The existing houseboat style vessels MUST be preserved or we lose something that helps define Seattle, that provides a positive influence to Seattle waters, and that makes Seattle a better place. Make the right decision and accept LULA's proposed revision to the Director's Rule.

Thank you,

Kevin & Linda Bagley
Vessel Dealers,
Real Estate Brokers,
Houseboat Vessel owner.

--
Kevin Bagley



The "KevLin"

Vanneman, Jill

From: Barbara Blankenship [b_blankenship@hotmail.com]
Sent: Monday, September 30, 2013 7:34 PM
To: Vanneman, Jill
Subject: DPD Directors rule on on water residences

My points:

No retroactive changes to the "designed and used for navigation" rule. We designed our vessel to comply with this rule.

This was a vague rule and the DPD has to abide by its many valid interpretations.

The City of Seattle does not have the right to create a more restrictive regulation than that proposed by the State SMP.

Configuration and shape of the vessel has no bearing. If the vessel can complete a performance test on the inland waters where it is moored, then it is compliant.

The DPD cannot selectively enforce this rule based upon vessel configuration. All liveaboard vessels **MUST** also comply with this rule.

Vanneman, Jill

From: Barbara Blankenship <bblankenship206@icloud.com>
Sent: Friday, October 25, 2013 3:25 PM
To: Vanneman, Jill
Subject: LULA recommendation

My husband and I own Caratello, a 43 foot liveaboard vessel moored at the Allison Marina on Lake Union.

I unequivocally support LULA's recommendation. It makes complete sense. Let the marine professionals decide. That is where their expertise lies.

Barbara Blankenship

Sent from my iPad

Vanneman, Jill

From: Carol Brown <brownie@w-link.net>
Sent: Monday, October 28, 2013 1:07 AM
To: Vanneman, Jill
Cc: Sugimura, Diane; Lumsden, Faith
Subject: Draft Director's Rule

Dear Ms. Vanneman,

As someone who has lived under the shadow of a notice of violation for the past nine months—and the gnawing anxiety about possibly losing my *home* and my most important financial investment, not to mention the HUGE expense I incurred to defend myself—I feel hopeful seeing LULA's proposal for the director's rule.

Of course I have felt hopeful before, to no avail. But this time, I'm hopeful that DPD is finally looking at the houseboat issue from a position of advocacy—that is, a position in which DPD is working toward a solution that will help houseboats stay on the lake rather than the past position—trying to evict as many houseboats as possible. (I was a victim of that direction.) And I'm hoping that from that vantage point, they will view the proposal as the carefully considered and crafted set of recommendations it is.

I am in full and complete support of the Lake Union Liveaboard Association (LULA) position on the Preliminary Draft Director's Rule governing liveaboard vessels in the City of Seattle. The LULA proposal solves the problems identified in the city's current draft of the Director's Rule, providing a simple, workable solution. I urge DPD's immediate and total adoption of the LULA proposal for a Director's Rule.

Let us put this issue behind us once and for all.

Regards,
Carol Brown

Vanneman, Jill

From: Susie Stenehjem [s.ssusiedon@gmail.com]
Sent: Saturday, September 28, 2013 9:29 PM
To: Vanneman, Jill; Clark, Sally; Burgess, Tim; Conlin, Richard; Licata, Nick; O'Brien, Mike
Subject: Houseboat Director's Rule

To: Jill Vanneman

From: Susan Stenehjem, Gas Works Park Marina houseboat owner/liveaboard

My issues with this Rule are:

1. Rule discriminates against a small group of vessels (houseboats). "Pointy-bowed" boat owners/liveaboards on Lake Union will not be required to hire naval architects. There are many inoperable, pointy-bowed vessels on the lake serving as primary residences.
2. Cost of Rule for houseboat owners is excessive. We already are required to have an out-of-the-water survey every 3-5 years to obtain mandatory vessel insurance. We hire an experienced and certified surveyor who thoroughly inspects our home, making sure we are in compliance with all Washington and Federal requirements. Having our home hauled-out, making needed repairs, paying for the surveyor and vessel insurance can easily cost \$3,000. Paying a naval architect is redundant. A mile-long test drive is unneeded. Naval architects create and use designs and plans to determine vessel seaworthiness.
3. This Rule does nothing to improve the ecology of shoreline areas. If houseboats have to leave the lake, liveaboard vessels will take over vacated slips. Since a pointy-bowed vessel may now be used as a residence in all Lake Union slips, the gray-water discharge (which seems to be the houseboats' only lake contaminate) will increase...no improvement to lake ecology.

My additional comments:

As a taxpayer, I am disgusted with the amount of money Seattle and the State have wasted on this houseboat NON-PROBLEM: DPD and Ecology salaries, Council salaries (over \$100,000), and the over \$20,000 Stakeholder facilitator fee. Please spend our hard-earned taxes on CRITICAL issues.

I am not pleased with the way Stakeholder members were treated by Council and the DPD. These volunteer members are intelligent, hardworking, and reasonable. They devoted too much of their valuable time to have their recommendations ignored.

I am sickened by the uncertainty, constant worry, and neighborhood stress this long procedure is bringing the houseboat community. We are hard-working, tax-paying, and law-abiding citizens, and deserve to be treated with respect. Instead, we, and our homes, have been described by DPD as shameful scofflaws in shanties.

Vanneman, Jill

From: Sugimura, Diane
Sent: Monday, October 28, 2013 10:05 AM
To: Susie Stenehjem
Cc: Vanneman, Jill; Davis, DianeC; Lumsden, Faith; Chinn, Bonita
Subject: RE: House Boat Director's Rule

Thank you very much for your comments.

From: Susie Stenehjem [<mailto:s.ssusiedon@gmail.com>]
Sent: Monday, October 28, 2013 8:33 AM
To: Sugimura, Diane
Subject: House Boat Director's Rule

I am in full and complete support of the Lake Union Liveaboard Association (LULA) position regarding the Preliminary Draft Director's Rule governing liveaboard vessels in the City of Seattle. We encourage and urge DPD to adopt this position in total. The LULA proposal provides a simple, workable solution. I urge immediate and total adoption of the LULA proposal for a Director's Rule."

We have lived on our vessel for 14 years. This has been the most wonderful adventure my husband, grown children, 2 grandchildren, and I have ever had. The last 2 years have changed our neighborhood...it is now a place filled with worry, anger, and frustration.

Ever since the DPD got their panties in a bunch over 5 huge new houseboats unable to be under DPD's control, our home has virtually lost most of it's value. Banks no longer finance the purchase of houseboats.

Just imagine your home losing most of it's value just as you are retiring. Not fun, is it?

I am losing faith in my government's ability to make educated and reasonable decisions.

Susie Stenehjem

ARAMBURU & EUSTIS, LLP

Attorneys at Law

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October 24, 2013

Jill Vanneman
Enforcement Facilitation Supervisor
Department of Planning and Development, City of Seattle
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Re: Lake Union Liveaboard Association Response to Draft Director's Rule X-2013
Regarding Liveaboard Vessels

Dear Ms Vanneman:

This letter is written on behalf of the Lake Union Liveaboard Association (LULA), for which I serve as legal counsel. LULA wishes to suggest changes to the preliminary draft Director's Rule regarding existing on-water residences that the Department of Planning and Development (DPD) issued for public comment on 18 September 2013. LULA also would like to thank DPD Code Compliance Director, Faith Lumsden, and other DPD staff members for their engagement with its members at a LULA meeting on 22 August 2013 and in a DPD-sponsored public forum regarding the Director's Rule on 1 October 2013. LULA would further like to express its gratitude to the DPD Director, Diane Sugimura, for her participation in a meeting with Seattle Mayor, Michael McGinn, at which Kevin Bagley represented LULA on 23 October 2013.

As an organization, LULA believes that it is particularly well qualified to provide input to the proposed Director's Rule. Formed in 2009, LULA constitutes a community of hundreds of people within Seattle who have interests in life and work on the waters of Lake Union in vessels of any style or shape. Through educational, political and social activities, LULA advocates for liveaboard vessel owners, promotes the protection of Lake Union for the benefit of all who enjoy Seattle waters and seeks to preserve Seattle's iconic houseboat heritage for future generations. The president of LULA is Mauri Shuler and the vice president is John Chaney. Additional members of the LULA board of directors are Kevin Bagley, Linda Bagley, Gregory Baumann, William Cirino,

Barbara Engram, John Geisheker, Langdon Miller, Toni Radonich, Lynne Reister, Michael Sherlock, Brian Sykes, and William Wehrenberg. All of the LULA board members own liveaboard vessels. Most of the board members have spoken publicly at the Seattle City Hall regarding liveaboard vessels, several have served on a stakeholder group appointed by the Seattle City Council to consider this issue and all have carefully evaluated the potential effects of the Director's Rule on behalf of the many vessel owners whose investments and homes could be affected.

LULA accepts that vessels that are moored in Seattle waters prior to the future effective date of the new version of the Seattle Shoreline Master Program (SSMP), as described in Seattle Municipal Code (SMC § 23.60.A, adopted by Ordinance 124105), should comply with existing ordinances that define a legal vessel as being designed and used for navigation (SMC § 23.60.942) and having a means of steering and propulsion (SMC § 23.60.090F). However, LULA urges the DPD not to adopt the proposed Director's Rule in its current form. Rather, LULA believes that modifications are required so that the Director's Rule preserves the liveaboard vessels that are homes to many Seattle residents by providing a legal "safe harbor" for those that can be shown to be compliant liveaboard vessels. LULA also would expect that this could establish these vessels as conforming. Further, LULA maintains that the changes proposed by LULA could provide reasonable compliance and enforcement guidelines for vessel owners and the DPD.

LULA agrees with the DPD that documentation provided by a qualified marine professional could be the basis for establishing compliance with SMC § 23.60.942 and SMC § 23.60.090F. However, LULA believes that having such documentation could reasonably be the sole basis for determining that a vessel is compliant. Further, LULA requests modification to the draft Director's Rule proposed by the DPD, which mandates that evaluation can only be provided by a naval architect who is also a licensed engineer. LULA believes that a vessel owner should be able to provide documentation from any one of several types of experienced marine professionals, including a naval architect (with or without an engineering degree), a marine surveyor, a boatyard operator, a shipwright, or boat designer. LULA expects that the vessel owner would be responsible for any costs that the owner incurs from such a professional in obtaining guidance, performing vessel modifications to establish compliance, and/or obtaining documentation. Accordingly, LULA believes that the Director's Rule should specify that selection of the qualified marine professional is at the discretion of the vessel owner.

In addition, LULA would propose that a vessel owner could provide documentation that a vessel conforms to SMC § 23.60.942 and SMC § 23.60.090F through such evidence as vessel logs; itemizations of equipment; and/or travel over

water as documented through still photos, videos, or narrative accounts. Such documentation would be an alternative to evaluation by a qualified marine professional and could also be the sole basis for establishing compliance.

In this regard, LULA opposes an absolute requirement for performance tests that would likely to impose logistical, financial, insurance and potential legal liabilities for vessel owners and the City and would encroach upon areas pre-empted by the Federal Boating Safety Act of 1971, 46 USC § 4302 *et seq.* LULA observes that, unless expressly permitted by the Coast Guard, the City would be pre-empted from establishing procedures and tests for determining the required equipment and performance of vessels. *Id.*, §§ 4306. LULA is not aware, and the draft rule makes no claim, that the Coast Guard has granted the City such authority. LULA would also note that providing available documentation could reduce the burden for vessel owners, particularly those with financial hardships. Such owners would be spared the costs associated with hiring a marine professional and conducting a performance test if they already have existing records that show their vessels to be compliant.

LULA requests that the Director's Rule indicate that a vessel owner who submits the proposed documentation could obtain certification of legal status from the city, consistent with the concept of a legal "safe harbor". Such certification would serve in lieu of a license as had previously been proposed by the stakeholders group. In keeping with the proposal that an owner can provide existing documentation of compliance with SMC § 23.60.942 and SMC § 23.60.090F, LULA strongly advocates against the requirement for documentation and certification within the last 12 months as is currently suggested by the draft Director's Rule. Instead, documentation available since the manufacture of the vessel would seem more appropriate. Further, LULA would emphatically argue against the need for repeated documentation, performance tests, and/or certification. Once a vessel has been certified as a compliant vessel, repeated certification should not be necessary.

An important additional recommendation from LULA is that obtaining certification be voluntary. Effectively, this means that a vessel should be presumed to be in compliance unless it is proven noncompliant as the result of a complaint-based process. LULA would request that a liveaboard owner who does not proactively go through the documentation process and later receives a notice of violation (NOV) would still be afforded the opportunity to bring a vessel into compliance with the requirements of the Director's Rule.

Accordingly, LULA makes the following specific recommendations to the DPD and the City of Seattle relating to the composition of the Director's Rule:

- A vessel moored in Seattle waters prior to the effective date of the new SSMP (SMC § 23.60.A – Ordinance 124105) will be considered a legal vessel and will be considered conforming if the vessel meets the following criteria:
 - 1) The vessel is designed and used for navigation, and
 - 2) The vessel has a means of steering and propulsion, and
 - 3) Items 1 and 2 above are documented by either:
 - a) An affidavit from an independent marine professional with at least 5 years of experience, such as a naval architect, marine surveyor, boatyard operator, shipwright, or boat designer; or
 - b) Written or pictorial evidence (e.g., log books, video, photos) provided by the vessel owner that the vessel has used its own propulsion and steering to navigate in waters typical of those in which the vessel is moored.
- Selection of an independent marine professional will be at the discretion of the vessel owner, who will be responsible for any costs incurred.
- A vessel owner who submits the necessary documentation will be provided with a certificate of compliance or equivalent written recognition by DPD that the vessel meets the legal definition of a vessel under SMC § 23.60.942 and SMC § 23.60.090F.
- Once a vessel has been certified by DPD as a legal vessel, any owner of that vessel will not need to seek recertification from DPD.
- Providing vessel documentation and obtaining DPD certification will be voluntary on the part of the vessel owner. This means that the owner of a vessel will not be required to provide documentation and obtain DPD certification unless a notice of violation (NOV) is issued against a vessel for noncompliance with the requirements of the Director's Rule; in this case, if the owner can establish that the vessel was moored in Seattle waters prior to the effective date of SMC § 23.60.A (Ordinance 124105), the vessel owner would be afforded the opportunity to present documentation that the vessel is designed and used in navigation consistent with SMC § 23.60.942 and SMC § 23.60.090F (as described in Item 3 above).

Jill Vanneman
October 24, 2013
Page 5

- Owners of vessels issued an NOV will have an opportunity to correct any deficiencies and seek DPD certification. Any appeal of DPD's determination would be reviewable by the Office of the Hearing Examiner, with any appeals of the Examiner's decision being reviewed by the King County Superior Court through an action under the Land Use Petition Act (consistent with the compliance recommendations in the Final Report and Recommendations of the Seattle On-Water Resident Stakeholders Group, Appendix D, 31 May 2013, copy attached).

The LULA board of directors and membership believe that implementation of these simple provisions will conform to existing legal definitions, minimize further regulatory or legal dispute, and provide the certainty and clarity that vessel owners, marina operators, and the DPD are seeking.

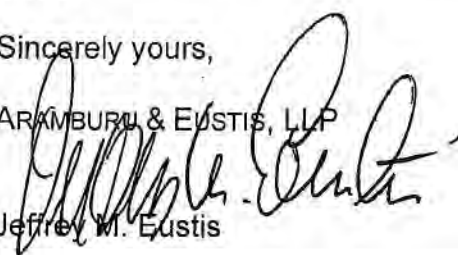
Please do not hesitate to contact me with questions or comments. This office and LULA itself ask to be listed as parties of record to this rulemaking process. Correspondence to LULA may be directed to:

Mauri Schuler
President, Lake Union Liveaboard Association
Seattle, WA
E-mail: maurishuler@icloud.com

Thank you for your consideration of these comments.

Sincerely yours,

ARAMBURU & EUSTIS, LLP


Jeffrey M. Eustis

Cc:

Diane Sugimura, Director DPD
Faith Lumsden, Code Compliance Director, DPD
Mauri Shuler, LULA President
John Chaney, LULA Vice President
LULA Board of Directors

Attachment: Final Report and Recommendations of the Seattle On-Water Resident Stakeholders Group, Appendix D, 31 May 2013

Vanneman, Jill

From: John Chaney <jchaney@nwlink.com>
Sent: Tuesday, October 22, 2013 6:46 PM
To: Vanneman, Jill
Cc: 'Mauri Shuler'; Lumsden, Faith; Sugimura, Diane
Subject: Comments - Preliminary Directors Rule - On Water Residences
Attachments: Comments Preliminary Director's Rule - Floating Dwelling Units - Chaney.docx

Dear Ms. Vanneman,

Attached are my personal comments on the September 18, 2013 Preliminary Director's Rule X-2013.

As an owner of the Vessel: *Suttree*; a member, board member and officer of the Lake Union Liveaboard Association; and a member of the Stakeholders Group; I have followed these issues since the first draft of the SSMP. I want to thank Diane, Faith and all the involved DPD staff for engaging the effected community in a public meeting on October 1st. This significant use of Department resources, in the interest of facilitating community input, is a fine example of community outreach. Some in my community have asked for this type of engagement throughout the update of the SSMP code. They have felt rebuffed and disregarded. I am convinced we are now operating in a different and more respectful engagement. I want to personally thank Diane Sugimura for her leadership and hope we can all work toward an equitable solution.

I want to particularly voice my admiration for the work of Faith Lumsden on this issue. Her careful and clear thinking coupled with a genuine desire to craft a workable solution reflects the kind of public service so many seem to find lacking in government today. I really appreciate her ability to remain engaged even when the issue is raw and emotional. Feeling threatened in your home and property is a basic instinct and can be very visceral, it is not overstating the issue to say many of our LULA members fear for their homes and property.

I am sure the Department always has considered this a matter requiring a "good" solution. I know some believe this is merely a matter of enforcement. Why would the Department have issued so many attempts to define a suitable vessel for residential use. Trying to draw a defensible and enforceable set of criteria has proved a challenge. As I researched this issue and reviewed the many different proposals it seemed clear to me that the apparent policy objective of disapproving some vessels because of design was an approach that smacked of arbitrary discrimination. Many of those issues which so incensed my community are now gone from this proposal. Thank you. Some remain in the updated SSMP but for now this is not the venue for that discussion.

I question if the Director's Rule is the right vehicle for creating what seemed so elusive in the development of the updated SSMP, especially since it appears to be designed to not only be used for SMC 23.60 but also for SMC 23.60A, when effective. Some direct response on this issue would seem useful to my community, the public and those policy makers we must now engage on this issue. If the Law Department had opined on it, share that with our community. Show the clear reasoning that differentiates this action from the revision of the SSMP.

I understood the comment period was extended to 10/25 and hope these remain timely.

Best Regards, John Chaney
31425 SE Issaquah Fall City Road
Fall City, WA 98024
Vessel: *Suttree*, Nickerson Marina, Seattle
jchaney@nwlink.com
206-243-2966

Comments regarding the Preliminary Draft Directors Rule X-2013

John Chaney

jchaney@nwlinc.com

October 22, 2013

The issue of Living on the Water has been a highly controversial and perhaps the most commented issue of the update process for the existing SSMP. From my perspective it has often seemed a one way process. At SSMP updated Draft Two, the SEPA Final, the Mayor's Recommended SSMP, and at the Council review and adoption, our community made suggestion after suggestion responding to one code proposal after another. It has been a one way process. Even the Stakeholder Group Recommendations were not fully accepted by the Department of Planning and Development (DPD). The Stakeholder Group recommended an integrated Houseboat Vessel Liveboard License and to date, only this preliminary Rule has yet been disclosed by DPD.

Through this process DPD has appeared to do exactly what it wanted without any meaningful consideration or response to my community. The October 1st public meeting felt similar, we make "stakeholder input" and again DPD will go off into its corner to answer our questions and statements. Then DPD proposes to produce the final rule. Your notice said "The purpose of the meeting is to provide information and gather input on the preliminary draft of the Director's Rule and its proposed criteria and processes." Time after time, you have not given any meaningful response to our input as contemplated in the public engagement requirements of the Shoreline update process. You said "There will be a chance to write down questions, but we're not planning a Q and A session. Questions go into the parking lot and we'll answer them afterwards when we post the notes from the night." So I look forward to detailed answers to these and all other questions posed at this public meeting. Again this is not an interactive process with Questions and Answers that would honor the participation of all participants but a singular one sided process that assumes any answer by DPD is unquestionable and it is the correct and definitive answer. I disagree but will participate with my questions and look forward to the department answers.

At the public meeting, you asked me to answer four questions, prefaced with this statement:

What should DPD look at when determining whether **something** meets the requirements to be a **Houseboat**? [Emphasis added]

The use of the term "**something**" referring to my home and vessel is deprecating. The Stakeholder Group used "On Water Residences" which was the term used by City Council. The use of the term "houseboat" is also acceptable to me. The existing SMP defines Floating Home, House Barge and Vessels. We are vessels and DPD has not established that we are not. So the use of the defined term Vessel or On Water Residence seems a more appropriate term, not the "something" or any of the other disparaging terms used by DPD during the SSMP update process. You should also remember that the term Houseboat is undefined.

1. Designed for navigation means:

The simple fact that an On Water Residence **floats and has been stable on the water for a period of time** should be sufficient to prove adequate performance of designed for navigation. The DOL registration or USCG documentation gives the model year or built date for a vessel. The date on our registration or documentation should be sufficient to prove the term of stable use. The term of use given by this simple proof and the fact of registration or documentation as a vessel should provide adequate proof of being designed for navigation. Having floated on the water for many years seems a sufficient and reasonable evaluation of designed for navigation.

The use of a Naval Architect or a Naval Architect licensed as a professional engineer to certify “designed for navigation” is unnecessary. The Stakeholders Group recommended that a certification by the owner should be sufficient. If DPD is unable to accept the certification of the owner, there are many qualified maritime professional who make daily evaluations of vessels including Yacht Brokers, Marina Managers, Surveyors, Shipwrights and so many more.

2. Used for navigation means:

Documented movement on the water during the life of the vessel should be sufficient to prove used for navigation. This includes being under tow, as long as our vessels are not permanently moored and have temporary attachments for moorage and services. This is a significant difference from Floating Homes which have permanent attachments and services.

The use of a Naval Architect or a Naval Architect licensed as a professional engineer to certify “used for navigation” is unnecessary. The Stakeholders Group recommended that a certification by the owner should be sufficient. If DPD is unable to accept the certification of the owner, any competent person can observe use. Logs, pictures, videos and other documents or statements should also be sufficient to document use.

All of the standards proposed for a demonstration are unnecessary, unreasonable and force an unreasonable expense on the owner. These standards are new and being retroactively applied to vessels, many of which have been in use for many years.

3. Steering and Self Propulsion – how to verify or demonstrate:

The Stakeholders Group recommended that a certification by the owner should be sufficient. The capacity for steering and self propulsion or capability can be verified at the dock. No demonstration of use is required in the code and is an unnecessary new criterion.

4. Other things for DPD to consider?

Authority

The proposed Director's Rule goes beyond the existing SSMP and should be part of the updated SSMP. Like all other changes to the existing SSMP it should follow the process for adoption by ordinance with review and approval by Ecology. I am concerned that the Rule exceeds the authority and scope of a code interpretation and the requirements by State Law for altering the SMP. Has the Law Department issued a determination or opinion that the scope of this Director's Rule is within the authority of the Director and does not violate any City or State Laws or Rules? If Law has given such a determination, please share it with the affected citizens.

- 1) In the meeting notice and Preliminary Draft Directors Rule (Rule) this proposal was noticed as criteria and approach. Are these "new" criteria?**
- 2) What are the "processes" referred to in the meeting notice?**
- 3) How can these new criteria be considered part of the existing SSMP and not be considered changes to the existing SSMP?**
- 4) How do these new criteria differ from changes considered in the multiple iterations of the drafts to update the SSMP regulations?**
- 5) How does this Rule relate to the updated SSMP since the clarification of a vessel suitable for residential occupancy was an issue (living on the water) of the update to the SSMP?**
- 6) The authority for the Director to make this Rule is cited as SMC 3.06.040, how does the establishment of new criteria and processes fall within this authority?**

Scope

It is estimated that 800-1,000 on water residences may be established in Seattle, a larger number may actually be established and the updated SSMP establishes a liveaboard definition.

- 7) Will the Rule apply to all residential uses that float on the water except Floating Homes and registered House Barges? Will it apply to Sailboats, Tugs and Cabin Cruisers? Liveaboard use is not defined in the existing SSMP, how is the residential use of a vessel defined in the current SSMP?**
- 8) What "floating dwelling units", if any, will be required to present a certified Checklist?**
- 9) What will be the process and timeline for response to a DPD request for submission of a checklist?**

Process

The City Council established the On Water Residents Stakeholder Group which made recommendations.

- 10) How does this Rule relate to the recommendations of the On Water Stakeholder Group including the Houseboat Vessel Liveaboard License and its recommended components?**
- 11) The Stakeholder recommendations purported to meet the objective of providing sufficient and reasonable criteria to meet the city objective of determining whether an over water residence is allowed. Why is DPD proposing different criteria and process?**

Establishing a legal use

The Rule notes that the City of Seattle does not have expertise, professional or otherwise, in vessel design. The City also has no authority over the construction of vessels. In 2004, the City expanded its authority to the uses on vessels after settling a court case on the issue.

- 12) How will this Rule relate to the desire of some houseboat owners to bring permanent closure to the issue of regularly being identified by the City as an "illegal" use or a potentially "illegal" use?
- 13) How does this Rule relate to the desire of houseboat owners to bring closure to the issue of uncertainty regarding the legal establishment and future of their Liveaboard use under the existing SSMP and the updated SSMP?
- 14) Is this Rule proposed to be voluntary or mandatory? If mandatory, which vessel owners, and under what circumstances would they be required to submit a checklist?
- 15) Will there be a permanent record of the Checklist in a publicly accessible data base?

Language and terms

The language and its logical application in the Director's Rule are illogical and arbitrary. Certain terms are defined in the Land Use Code (SMC 23) including those defined in the Shoreline Management section (SMC23.60) portion of the Land Use code. A "floating dwelling unit" would appear to be an impossible concept under these definitions. Important terms should be defined in the code and new terms should follow the SSMP adoption by ordinance and review as required by State law. Relating the defined terms of "Dwelling unit" and those for "Structure" do not logically allow the use of the undefined term of "Floating Dwelling Unit". A "Floating Structure" may be a vessel (without a means of self-propulsion or steering) but that does not logically make any residential use of a vessel a "floating dwelling unit."

SMC 23.84A.008 "D."

"Dwelling unit" means a room or rooms located **within a structure**, designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit. [Emphasis added]

SMC 23.84A.036

"Structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and **affixed to the ground**, including fences, walls and signs, but not including poles, flowerbed frames and such minor incidental improvements. [Emphasis added]

23.60.936 "S."

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts artificially joined together in some definite

manner, whether installed on, above, or below the surface of the ground or water, including fences, walls, signs, piers, floats and drydocks, but **not including** poles, flower-bed frames and other minor incidental improvements, or **vessels**. [Emphasis added]

SMC 23.60.090 "F."

"Floating structures", including vessels which do not have a means of self-propulsion and steering equipment and which are designed or used as a place of residence, with the exception of house barges moored within the City of Seattle in June 1990 and licensed by the City of Seattle, shall be regulated as floating homes pursuant to this chapter. Locating other non-water dependent uses over water on floating structures, including vessels, which do not have a means of self-propulsion or steering equipment is prohibited unless specifically permitted on house barges or historic ships by other sections of this chapter."

The Rule, in the Background section, states: "Under the current Shoreline Code, residential uses are classified as non-water-dependent uses" is an incorrect reading and statement of policy; only residential uses on land are classified as non-water-dependent uses. This clear example of residential uses on the land should not be construed to mean that all residential uses or even residential uses on vessels are Nonwater-dependent uses.

23.60.928 "N."

"Nonwater-dependent use" means a use which is not water-dependent or water-related in that access to the water or to water-dependent uses is not required for its operation, even if the aesthetics of a waterfront location may increase profitability. The following and similar uses are included: Eating and drinking establishments, lodging, retail sales and services, medical services, funeral services, offices, religious facilities, schools, principal use parking, tennis courts, health clubs, and **residential uses on land**. [Emphasis added]

- 16) The Checklist is titled "Dwelling Unit Vessels (non-house-berge)". The term "vessel" is defined. How can the checklist be applied to a vessel, since a "dwelling unit" is defined to be located within a "structure" which is affixed to the ground and which is not a "vessel"?**
- 17) The Rule applies to dwelling units floating on the water. Where is a dwelling unit floating on the water defined?**
- 18) How is a "floating dwelling unit" related to the defined term of "floating structure"?**
- 19) How can this Rule be reasonably applied when the terms used are not defined?**

The updated SSMP was criticized for not dealing fairly with existing Houseboats and other non-conventional recreational vessels. The City Council established the On Water Residences Stakeholder Group (Stakeholder Group) to further consider these issues. I am concerned that DPD is attempting, through the Director's Rule, the implementation of new liveaboard regulations. New Shoreline regulations should be in the updated SSMP, adopted by ordinance, and reviewed and approved by Ecology before going into effect.

20) The updated SSMP defines “liveaboard” use but the current SSMP does not. How are “dwelling unit vessels” or “floating dwelling units” related to the updated SSMP including “Liveaboard” use?

21) How does this Directors Rule related to the updated SSMP? What is the correlation between the Director’s Rule use of the term “typical recreational or commercial vessel” and the updated SSMP at 23.60A.214 which creates criteria to define a “conventional recreational vessel”?

I appreciate the community engagement by DPD in posting a preliminary Director’s Rule and holding a public meeting. I look forward to detailed responses to the questions I have stated in this comment letter. Additionally I propose the following policy objectives and actions for consideration in revising the Director’s Rule.

Policy objectives:

1. **Every licensed or documented vessel moored in a Seattle marina should be permitted to have a liveaboard use, today and in the future**
2. Preserve the liveaboard vessels that are homes, especially Houseboats, to many Seattle residents by providing a legal “safe harbor” for those that are moored in Seattle waters prior to the future effective date of the new version of the Seattle Shoreline Master Program (SSMP)
3. Conform to existing ordinances that define a legal vessel as being designed and used for navigation (SMC 23.60.942) and having a means of steering equipment and self-propulsion, or capability (SMC 23.60.090-F)
4. Compliant vessels are treated as a conforming use (not non-conforming) now and under SMC 23.60A when effective.
5. Allow a vessel owner to certify or voluntarily seek independent documentation from a qualified marine professional that a vessel meets the criteria for being designated a legal vessel
6. Avoid the requirement for any performance tests that impose logistical, financial and potential legal liabilities for vessel owners and the City
7. Provide reasonable compliance and enforcement guidelines for vessel owners and DPD

Action by vessel owner:

A vessel moored in Seattle waters prior to the effective date of the new SSMP (SMC 23.60A – Ordinance 124105) will be considered a legal vessel and its use will be considered conforming if the vessel meets the following criteria:

1. The vessel is designed and used for navigation, and
2. The vessel has a means of steering and propulsion, and
3. Items 1 and 2 above are documented by an independent marine professional with at least 5 years of experience, an accredited or certified marine surveyor, naval architect, professional marine engineer, license vessel broker, shipwright, or similar.

Obtaining marine professional documentation and DPD certification is voluntary, meaning that a vessel owner is not required to seek such documentation and certification unless a notice of violation (NOV) is issued against the vessel for noncompliance with the requirements of the Rule.

Term of Certification:

Once a vessel has been certified by DPD as a legal vessel, an owner of that vessel will not need to seek recertification from DPD unless the overwater coverage is permanently increased.

Action by City:

A vessel owner who submits the necessary documentation from one of the specified marine professionals will be provided with a certificate of compliance (e.g., in the form of a letter) by DPD that indicates that the vessel meets the legal definition of a vessel under SMC 23.60.942 and SMC 23.60.090(F). Make the certificate of compliance available in a permanent public database, preferably accessible electronically.

Compliance:

Owners of vessels issued a Notice of Violation or any other enforcement notice by the City would have an opportunity to correct any deficiencies and seek DPD certification or legal appeal by the Office of the Hearing Examiner or in Superior Court (consistent with the compliance recommendations in the Final Report and Recommendations of the Seattle On-Water Resident Stakeholders Group)

Hardship:

For a vessel owner with financial hardship, the owner could apply to the city for financial aid that would provide remuneration for the cost of obtaining marine professional documentation.

Simple standards:

Residential use of a vessel is legal, when properly moored.

Any vessel designed for navigation should be permitted to have a residential use, if moored in a marina.

Any residential use of a vessel established under SMC 23.60 will remain a legal water dependent use whether under operation or moored, now and in the future.

John Chaney
31424 SE Issaquah Fall City Road
Fall City, WA 98024
Vessel: Suttree
Nickerson Marina, Seattle

Jchaney@nwlink.com

Vanneman, Jill

From: geoff gamsby <geoffgamsby@mac.com>
Sent: Tuesday, October 22, 2013 2:07 PM
To: Vanneman, Jill
Cc: fmmargaret@qwestoffice.net
Subject: Shoreline management

Hello Jill,

I was sorry I am late adding my comments. I have been trying to stay informed on waterfront issues but missed this completely.

I am concerned about the rules that are proposed, the big issue is when are they enforced and who would be doing this? With the thousands of boats and craft on the lake, it would be quite a large undertaking. unless it is spot check and targeted inspections which could lead to other possible legal implications.

I am a Business owner and on the water almost every day. The goals for my company very closely relate to the goals outline. Below are the main goal from the Non-profit we are starting. <http://upwa.org/>

1. Help restore the native ecosystem and foster stewardship for generations to come
2. improve access and activities to help people have meaning experience with the marine environment

Some thoughts on a different approach to your rules.

1. Protect the ecosystems of the shoreline areas;

The people who are part of the ecosystem can be the best stewards. They will want to swim and play in the water. we should help give them more tools to keep restore and maintain this valuable resource. We need more tools to help and encourage these people to protect and restore the ecosystem.

2. Encourage water-dependent uses;

this is a vague goal, living on the water is a water use. Plus people living on the are also more likely to charter a boat, buy a boat, fish, swim, paddle board, etc. There are a lot of boat which people do live on that have been sitting for years falling into dis repair and becoming a potential hazard to the ecosystem. We want to help create more access point and encourage more water stewards. The people with the most connect and passion for the water are our biggest allies. We love people living on and near the water, this is why seattle is the city is it today.

3. Provide for maximum public use and enjoyment of the shorelines of the City;

This is a great goal. there are a lot of access point that could use some care takers and people to help restore and invigorate them. The more people living near them the more likely they will be use. We are using this map (http://www.seattle.gov/transportation/stuse_stends_map.htm) as a stating point to improve the public access to the waterways. Most of there are under utilized and just need a couple champions.

4. Preserve, enhance and increase views of the water and access to the water.

Again another great goal and i feel it goes hand in hand with #3. although if you want to abide by your rules this isn't necessarily going to ensure view access. There are a lot of boat on the waterways that dwarf any floating barge or structure.

Could you please help me understand how these new rules will help achieve the stated goals? Sorry for my ignorance on the subject, I am trying to get caught up to speed and am having trouble finding all the information. A lot of the information i am finding doesn't seem to pursue the goals you laid forward, for

example large commercial or private vessel could easily violate most of the goals you have outlined especially the view and public enjoyment.

Would it be possible to work with you to find a solution where we can become your greatest ally and becoming the stewards that help restore and protect the waterway for generations to come? If there is anything I can do to help please contact me. I am available either via email or on my mobile.

Thank for allowing me the opportunity to be a positive influence in helping preserve and protect our waterways.

Capt Geoff

LakeUnionCharters.com

360.399.6490 (Info & reservations)

616.540.5299 (mobile)

Vanneman, Jill

From: DUNCAN STEWART <stewartsurfdance@sbcglobal.net>
Sent: Saturday, October 19, 2013 12:00 PM
To: Vanneman, Jill
Subject: houseboats

We want you to know that both my husband and I have attended many meetings regarding the new rules to be implemented for houseboats by DPD Compliance here in Seattle.

We both go on record supporting LULA's position for overseeing this water-dependent life-style we pay for and enjoy here in Seattle.

We both go on record opposing the DPD's stance that usurps the United States Coast Guard's role in overseeing navigable waters and vessels there on.

We would appreciate being heard as supporters of LULA and opposers of current DPD Compliance.

Thank You,

Duncan and Deborah Stewart

Vanneman, Jill

From: Susan Neff <snefffff@hotmail.com>
Sent: Monday, October 21, 2013 12:12 AM
To: Vanneman, Jill
Subject: Response to preliminary Director's Rule

Dear Ms. Vanneman,

This e-mail is my response to the 18SEP2013 preliminary draft of the DPD Director's Rule for determining whether a dwelling unit floating on the water meets the Seattle Shoreline Master Program requirements. In general, I find the draft well-written, comprehensive, accurate and a fair effort to accomplish the task at hand. What follows are my comments on each section of the draft. Some of my comments include a rebuttal to issues raised by LULA supporters at previous meetings on this matter.

Application of this Rule - No comment needed. It is fine.

Background -

With respect to item # 2 in the first paragraph - I thought this component of the Shoreline Management Guidelines directed protecting water-dependent uses, not just encouraging water-dependent uses.

The last sentence of the fourth paragraph reads *"Any new dwelling unit on a vessel that is a barge, i.e., without steering and self-propulsion, is treated as a floating home and subject to floating home regulations"*. I was very happy to see this sentence. It has been my opinion that far too much effort has been spent discussing what is and isn't a vessel. The controversial floating residences and residents have more in common with the floating home community than the conventional vessel liveaboard community. I consider all five of the structures that have received Notices of Violation from the DPD to actually be out-of-compliance floating homes, regardless of their propulsion situation. Focus needs to be placed on the floating home aspects of such structures. I hope the above quote signals a shift in emphasis by the DPD. It is also appropriate that the residential barges be considered a subset of floating homes.

In the fifth paragraph, there is a reference to a 1980's look at prohibiting the use of recreational vessels as dwelling units. Fortunately, this did not become part of the City code. A discussion of the status of liveaboards on recreational vessels will not be attempted at this time. However, I feel it is important to point out that the misnamed Lake Union Liveaboard Association has done a disservice to Seattle residents that properly fit the definition of liveaboard. The Lake Union Liveaboard Association would be more accurately named the Lake Union Liveafloat Association. Many LULA members have repeatedly demonstrated their lack of knowledge about boats and boating while being very familiar with life afloat. It has been a disappointment to realize that a large part of the membership expresses no interest in boating beyond paddling a kayak or canoe or a small rowboat. Hopefully, the City of Seattle will realize that LULA member's actions and words are not representative of the greater liveaboard community.

Rule - Overall, this section was a joy to see. It proposes reasonable clarifications to the vessel definition found in the Seattle Land Use Code Section 23.60.942 "V" along with measurable standards.

Section 1) a. - My hazy recollection is that there are other sections of the SSMP currently being reviewed by the Department of Ecology that address the residential use of an active commercial vessel. Unfortunately, I don't have the resources at hand to check the accuracy of my recall. If I am correct, then only recreational

vessels should be listed here, while recognizing that a former commercial or research vessel can be re-purposed as a recreational vessel used as a dwelling.

Reason - Shoreline Code Provisions - No comment needed here other than to express my hope that this isn't setting the groundwork for the eventual prohibition of a vessel (that is unquestionably a vessel) being used as a dwelling.

Reason - Department expertise - Well stated. There needs to be some sort of recourse, either thru the DPD or the State Department of Licensing, should a naval architect appear to be 'rubber-stamping' structures as vessels or if a conflict of interest is present. Concerns have been expressed about the cost of such an assessment. If the City has any influence in this matter, I would encourage the use of a sliding scale with small structures paying much less than the floating mansions.

Reason - State and Federal requirements - Also well stated.

Checklist for Dwelling Unit Vessel ("Non-house-barge) - It covers the necessary points except vessel PHOTOS are not required. Please require photos. My earlier question about including non-recreational vessels in the descriptions applies here also. In the *DESIGNED FOR NAVIGATION* section, I would prefer to see something specifically excluding hull shapes that are only designed for floating and superstructures that do not have the normal vessel feature of being symmetrical port-to-starboard and asymmetrical bow-to-stern. For structures w/ large, flat surface areas exposed to wind, a wind speed versus wind force graph would be important to include in the naval architect's assessment. It also seems to me that the *STEERING* section and the *SELF PROPULSION* sections would more appropriately be part of the *USED FOR NAVIGATION* section.

Based on my observations of many of the 'houseboats' in question, the installation of an appropriately-sized propulsion system, a steering system and some boating education, will allow most of them to pass such a checklist. As for the cost, well, buying a 'vessel' without working propulsion and steering likely contributed much to the 'affordability' of it. Now it is time for the various owners to make their floating residence into the vessel they have been claiming them to be. My bigger concern is that the worst offenders of the 'designed and used for navigation' clause, because of their large size and deeper pockets, may be able to incorporate the required design features, thus passing the checklist even though a 'reasonable observer' would recognize the structures for the floating homes they are. There will be a small number that will be unable to pass such a checklist without making difficult and expensive structural changes resulting a smaller living quarters. It is my belief that this group will be much smaller than expected.

I would like to take this opportunity to raise some questions of my own. My understanding of how an investigation would proceed under the current proposal may or may not be accurate. Feedback and clarifications would be appreciated.

- 1) The DPD receives a complaint or inquiry as to whether or not a floating structure is a vessel. Can the DPD initiate any action without a complaint being filed? Must the floating structure be used as a dwelling for the DPD to investigate?
- 2) The DPD has on file that the floating structure passed the checklist within the last twelve months. Does the investigation stop here?
- 3) No such records exist with the DPD. The City Shoreline Inspector does an external, visual, on-site, overview inspection. If the floating structure is determined to be a conventional vessel, does the investigation stop here? If it is a conventional vessel, will the DPD still be inclined to confirm that propulsion and steering are adequate?

3) The visual, overview inspection does not clarify whether the floating structure is a vessel or features (such as outboard motor/s) that contributed to passing the checklist previously are noted to be absent. What happens if features are noted such as out-dated registration tags or no registration tags?

4) The owner is notified that further information is needed. This may include that the floating structure confirming it's status as a vessel by complying with the Checklist for Dwelling Unit Vessel. What happens next?

Thanks for your attention to this matter.

Sincerely,

Susan M. Neff
2143 N. Northlake Way
Slip # 29
Seattle, WA 98103

206-898-6410

Vanneman, Jill

From: Susan Neff <sneffff@hotmai.com>
Sent: Monday, October 28, 2013 7:44 AM
To: Vanneman, Jill
Cc: Lumsden, Faith; Glowacki, Margaret
Subject: Illegal Floating Homes & the Director's Rule

From: Susan.Neff@providence.org
To: sneffff@hotmai.com
Subject: FW: Stop Illegal Floating Homes
Date: Mon, 28 Oct 2013 14:33:00 +0000

Dear Jill Vanneman,

After a long and complicated battle, Floating Homes were recognized by the City of Seattle and the State of Washington as a legitimate and protected entity in the mid-1980s. As part of this legalization, they became subject to multiple regulations that ensured compliance with the guidelines of the Shoreline Management Act and city codes. Standards for construction and safety were established along with the enacting of rules which provided 'safe harbor' with respect to their locations.

Despite this legalization of Floating Homes, the number of floating residences of unclear status expanded. In the early 1990s, a sub-category of Floating Homes was allowed. This limited and limiting one-time-offer legalized some formerly out-of-compliance floating residences. These 'new' legal Floating Homes became known as 'Permitted Housebarges' and are subject to their own specialized set of city regulations.

Still, out-of-compliance floating residences proliferated. Due to limited moorage space, the slow but relentless displacement of water-dependent, conventional vessels in recreational and a few commercial marinas, by illegal floating homes has occurred. By allowing this, the City of Seattle is not only out-of-compliance with the State's Shoreline Management Act, but is subject to the risks and liabilities associated with unregulated habitats. Risks to the residents and the greater community include, but are not limited to, substandard construction, fire and safety hazards and pollution and sanitation concerns.

The City's efforts to resolve this problem have been much appreciated by myself and others. My suggestions and comments with respect to obtaining a definitive solution to this problem follow.

I propose for your consideration that:

- All floating structures used as residences (past, present and future) are to be considered Uncategorized Floating Homes (UFH) until otherwise categorized. Defining residency standards is deferred to the State and the City.
-
- The City can seek to proactively re-categorize all UFHs. No citizen complaint is needed. An alternative approach would be that the City be required to re-categorize all UFHs.
-
- Floating Homes in compliance with applicable regulations would be re-categorized as Legal Floating Homes (LFH).
- All floating residences claiming to be a Permitted Housebarge must show proof of compliance with applicable regulations. If they are not in compliance, i.e. no permit properly displayed, no graywater plan on file with the City and/or no verification, via photos or marine surveys, that disallowed expansions have not been constructed, six months would be allowed to come into compliance. If coming into compliance requires removal of the housebarge from the water for structural work, a 6-month extension may be allowed.
- If the UFH is deemed to be a conventional (see next paragraph) vessel upon visual, in-water inspection, it would be noted as such in DPD records. It is no longer considered to be a UFH, but rather a 'vessel in use as a liveaboard' ('Legal Liveaboard Vessel' or 'Conventional Vessel as Liveaboard' are alternative categorization options). As such, the vessel would be subject to regulations related to conventional vessels. Other than the visual, in-water inspection, no further investigation by the DPD related to the structure's status as a UFH would be required. If a complaint about the status of a specific vessel is received by the DPD, a visual, in-water inspection would be repeated, but no more often than once a year. Record keeping and the need for notification of the conventional vessel owner would need to be standardized by the DPD, probably using the vessel's WA registration number.
- A 'conventional vessel' would automatically include traditional hull-shapes that facilitate navigation and make a vessel water-dependent. In addition to a traditional hull-shape, the vessel must have a traditional superstructure that does not diminish safe navigability. Vessel features such as port-to-starboard symmetry and bow-to-stern asymmetry (standard features of navigable vessels), would be additional supportive evidence that the UFH is a conventional vessel. Commercial vessels converted to residences may be allowed a broader scope of shapes as long as the design supports more than just floating.
- If the UFH appears to meet the guidelines for the Derelict Vessel Program, follow-up is turned over to the State.
- Any modifications to an already categorized floating residence would put it back into the UFH category and subject it to re-assessment by the City. (should this require a complaint or not?)

Having recognized the legal floating residences (Legal Floating Homes, Permitted Housebarges and Conventional Vessels Used as Liveaboards), that leaves teasing apart the UFHs that actually are 'unconventional' vessels meeting the definition of '... designed and used for navigation ...' from those that just profess to be '... designed and used for navigation ...' without providing any substantial evidence of such design or use. This is where many parts of the Preliminary Draft of the Director's Rule X-2013 dated September 18, 2013 become applicable.

Here again, I have a few suggestions for your consideration.

Separate the smaller UFH from the larger ones.

Smaller UFHs are more likely to be designed for and safely capable of navigation. By virtue of their smaller size, the environmental impact from such structures is small. They are much less likely to have washing machines and/or dishwashers in use onboard. The residents are more likely to shower ashore. The shadow is smaller.

This category of vessels would still need to have a raked bow because a box hull is NOT a design intended for navigation. I would suggest that the appropriate horsepower for the propulsion system be equivalent to or greater than the structure's waterline length to ensure adequate power for safe navigation. Steering must be functional with 360 degree visibility from the helm station when underway. A height limit should be in the range of 10-12 feet from the level of the water to the highest external point of an enclosed area intended for occupation. (This would allow for sleeping lofts while excluding top-heavy, unsafe structures resulting from designs with two-stories of standing headroom above the waterline.) When considering the allowed length for this category, keep in mind that it would be convenient and consistent if this length was in the size range sometimes discussed for exempting installation of graywater tanks should graywater containment become a requirement. The sizes I've heard mentioned for such an exemption are in the range of 30 to 38 feet of Length Over All (LOA). My preference is toward the smaller side of this range.

Such UFHs would still be subject to the one-mile propulsion test if the owner wished to be considered for this category. The big difference is that the propulsion test could be witnessed by a DPD inspector for a fee ranging from zero to \$250. Possibly, the Seattle City Police Department Harbor Patrol could also be involved in witnessing propulsion tests. Propulsion tests would not need to be repeated unless #7 above came into play.

If a UFH in this size range failed to meet these standards, there would be an option for a second attempt within six months. If out-of-the-water modifications are necessary, this time-limit could be extended to one year. After failing a second time, the UFH would be categorized as an illegal floating home.

After meeting the above requirements, such an UFH would be re-categorized in DPD records (with a copy to the owner) as a 'Non-conventional Vessel, LOA of XX ft or less, allowed as Liveaboard'. Photos and dimensions must be a part of those records. This would not be a license or permit. It would just be a designation for the purpose of moving the previously UFH into a specific category.

Larger UFHs would be subject to the checklist proposed in the Preliminary Draft of the Director's Rule.

Change the checklist title to something like 'Checklist for categorizing UFH of LOA greater than XX ft'

The naval architect idea is good. I would suggest that any checklist a naval architect would be signing-off on should also include a attestation that the signer does not have a conflict of interest or a pre-existing agreement to 'pass' a particular UFH or UFHs in general.

After the checklist with sign-off by a naval architect has been accomplished, it would not need to be repeated unless #7 above came into play.

If a UFH in this larger size range fails to pass the checklist, there would be an option for a second attempt within six months. If modifications are needed that require the UFH to be hauled out of the water, this time-limit could be extended to 18 months. After failing a second time, the UFH would be categorized as an illegal floating home.

After meeting the above requirements, such an UFH would be recognized in DPD records (with a copy to the owner) as a 'Non-conventional Vessel, LOA greater than XX ft, allowed as a Liveaboard'. Photos and dimensions must be a part of those records. This would not be a license or permit. It would just be a designation for the purpose of moving the previously UFH into a category.

UFH that fail to qualify for a category.

At some point, such UFHs would be re-categorized as an illegal floating home. Hopefully, the DPD has some method in place for dealing with illegal floating homes.

Hopefully some of these ideas will be of interest to you.

Sincerely,

Susan Neff

2143 N. Northlake Way

Slip #29

Seattle, WA 98103

206-898-6410

Vanneman, Jill

From: Joshua Nelson <JoshJohnNelson@gmail.com>
Sent: Friday, October 18, 2013 5:27 AM
To: Vanneman, Jill
Subject: The proposed Director's Rule creates major problems

Dear Code Compliance Coordinator Vanneman,

Please do not use the Director's Rule to create undue hardship on the maritime small business in Seattle.

· **The Draft DR Creates Regulatory Inconsistencies.**

The Draft DR purports to impose rules for determining whether a "dwelling unit floating on the water" is permitted or prohibited under the existing Shoreline Master Program ("SMP"). The first paragraph of the Draft DR expressly states that "new floating dwelling units that locate on Seattle waters after the effective date of the SMC Chapter 23.60A will be subject to the new code." Given DPD's estimate that the new Chapter 23.60A will take effect "in early 2014," the Director's Rule, if adopted, would have limited, if any, application beyond that date. This is the case because the Draft DR does not simply modify or interpret the proposed Chapter 23.60A, it applies an entirely different set of standards and criteria for determining what vessels may be regulated as dwelling units and what vessels may be considered exempt from the SMP.

As a member of Northwest Marine Trade Association, I can tell you that NMTA lobbied the City to avoid the unfair result of having only a discrete set of vessel manufacturers recognized as legitimate vessels under the proposed SMC 23.60A.942. See SMC 23.60A.214(B); Ordinance 124105. The Draft DR applies yet another set of qualifying standards to determine vessel status. However, the recently adopted Seattle SMP amendments, if approved by Ecology, will quickly supersede the DR. Nonetheless, both the pending SMP amendments and the Draft DR "fix" are overly burdensome and unacceptable.

· **The Proposed "Performance Test" is Unnecessary and Overly Burdensome.**

While NMTA supports the City's efforts to clarify vessel status under the SMP, the Draft DR creates an expensive and burdensome process of demonstrating vessel navigability. The proposed "Performance Test," is wholly unnecessary, and should be limited, if at all, to instances involving enforcement actions.

· **The Proposed Rule Creates a Competitive Disadvantage for the Seattle Industrial Community.**

The Draft DR appears to prohibit any non-powered vessel with living facilities to be moored in a Seattle industrial boat or shipyard. The Draft DR would prevent floating caretakers facilities as well. As a result, the Seattle industrial waterfront community would be adversely affected by not being able to bid government contracts that require floating caretaker facilities and accommodation barges for crews.

· **Statewide Legislative Action is Warranted.**

The City would benefit by supporting a statewide effort aimed at a new law around rules or legislation clarifying standards for allowing floating dwelling units and supporting the unique needs of commercial and industrial waterfront businesses. Reliance on a "Performance Test" is not a workable or efficient way of regulating desirable uses under the State Shoreline Management Act. Similarly, the ad hoc reference to acceptable brands of vessels in the pending SMP is also unfair and puts Washington vessel manufacturers, brokers and other service providers out of work.

Sincerely,

Joshua Nelson
1750 23rd Ave
Seattle, WA 98122

Vanneman, Jill

From: Lori Hogan <lorih@boatelectric.com>
Sent: Friday, October 18, 2013 5:28 AM
To: Vanneman, Jill
Subject: The proposed Director's Rule creates major problems

Dear Code Compliance Coordinator Vanneman,

Please do not use the Director's Rule to create undue hardship on the maritime small business in Seattle.

The Draft DR Creates Regulatory Inconsistencies.

The Draft DR purports to impose rules for determining whether a "dwelling unit floating on the water" is permitted or prohibited under the existing Shoreline Master Program ("SMP"). The first paragraph of the Draft DR expressly states that "new floating dwelling units that locate on Seattle waters after the effective date of the SMC Chapter 23.60A will be subject to the new code." Given DPD's estimate that the new Chapter 23.60A will take effect "in early 2014," the Director's Rule, if adopted, would have limited, if any, application beyond that date. This is the case because the Draft DR does not simply modify or interpret the proposed Chapter 23.60A, it applies an entirely different set of standards and criteria for determining what vessels may be regulated as dwelling units and what vessels may be considered exempt from the SMP.

As a member of Northwest Marine Trade Association, I can tell you that NMTA lobbied the City to avoid the unfair result of having only a discrete set of vessel manufacturers recognized as legitimate vessels under the proposed SMC 23.60A.942. See SMC 23.60A.214(B); Ordinance 124105. The Draft DR applies yet another set of qualifying standards to determine vessel status. However, the recently adopted Seattle SMP amendments, if approved by Ecology, will quickly supersede the DR. Nonetheless, both the pending SMP amendments and the Draft DR "fix" are overly burdensome and unacceptable.

The Proposed "Performance Test" is Unnecessary and Overly Burdensome.

While NMTA supports the City's efforts to clarify vessel status under the SMP, the Draft DR creates an expensive and burdensome process of demonstrating vessel navigability. The proposed "Performance Test," is wholly unnecessary, and should be limited, if at all, to instances involving enforcement actions.

The Proposed Rule Creates a Competitive Disadvantage for the Seattle Industrial Community.

The Draft DR appears to prohibit any non-powered vessel with living facilities to be moored in a Seattle industrial boat or shipyard. The Draft DR would prevent floating caretakers facilities as well. As a result, the Seattle industrial waterfront community would be adversely affected by not being able to bid government contracts that require floating caretaker facilities and accommodation barges for crews.

Statewide Legislative Action is Warranted.

The City would benefit by supporting a statewide effort aimed at a new law around rules or legislation clarifying standards for allowing floating dwelling units and supporting the unique needs of commercial and industrial waterfront businesses. Reliance on a "Performance Test" is not a workable or efficient way of regulating desirable uses under the State Shoreline Management Act. Similarly, the ad hoc reference to acceptable brands of vessels in the pending SMP is also unfair and puts Washington vessel manufacturers, brokers and other service providers out of work.

Sincerely,

Lori Hogan
7608 NE 197th Ct
Kenmore, WA 98028

Vanneman, Jill

From: David Silver <david.silver@prometheanworld.com>
Sent: Friday, October 18, 2013 5:16 AM
To: Vanneman, Jill
Subject: The proposed Director's Rule creates major problems

Dear Code Compliance Coordinator Vanneman,

Please do not use the Director's Rule to create undue hardship on the maritime small business in Seattle.

This regulation gains the city nothing. The hardship, environmental or economical, created by craft that do not conform to these regulations is negligible. However the benefits of having diverse craft is immense. First it helps with floating caretakers of businesses and yards. Secondary it allows the homes on the water to continue. They contribute to the unique flavor of Seattle. Boat owners and dwellers tend to be more environmentally conscious than "land dwellers" as they interact with the environment on a more intimate basis.

The Draft DR Creates Regulatory Inconsistencies.

The Draft DR purports to impose rules for determining whether a "dwelling unit floating on the water" is permitted or prohibited under the existing Shoreline Master Program ("SMP"). The first paragraph of the Draft DR expressly states that "new floating dwelling units that locate on Seattle waters after the effective date of the SMC Chapter 23.60A will be subject to the new code." Given DPD's estimate that the new Chapter 23.60A will take effect "in early 2014," the Director's Rule, if adopted, would have limited, if any, application beyond that date. This is the case because the Draft DR does not simply modify or interpret the proposed Chapter 23.60A, it applies an entirely different set of standards and criteria for determining what vessels may be regulated as dwelling units and what vessels may be considered exempt from the SMP.

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Sincerely,

David Silver
2100 Westlake Ave N
Seattle, WA 98109

Vanneman, Jill

From: Peter Schrappen <peter@nmta.net>
Sent: Thursday, October 17, 2013 12:36 PM
To: Vanneman, Jill
Subject: NMTA's comments on proposed DR
Attachments: NMTA's comments.pdf

Jill, Attached are our comments.

Thank you,
Peter Schrappen

Northwest Marine Trade Association

NORTHWEST
MARINE TRADE
ASSOCIATION



1900 N. Northlake Way, Suite 233
Seattle, WA 98103-9087

Phone: (206) 634-0911
Fax: (206) 632-0078

www.nmta.net
www.seattleboatshow.com

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Paul Nielsen
Hagadone Marine Group

Craig Perry
Dock Street Marina & Delin Docks

Patricia Šegulja-Lau
Dunato's Boatyard

Dan Wood
Crow's Nest Yachts

Promoting the
Recreational Boating
Industry in the
Pacific Northwest

October 17, 2013

City of Seattle Department of Planning and Development
700 Fifth Avenue, Suite 2000
Seattle, Washington 98124-4019
Attn: Shoreline DR

RE: Northwest Marine Trade Association's Comments on Draft Director's
Rule X-2013 (Dwelling Units on the Water – Shoreline Master Program)

Dear Ms. Vanneman:

The Northwest Marine Trade Association ("NMTA") submits the following comments regarding the Department of Planning and Development's ("DPD's") Draft Director's Rule X-2013 regulating dwelling units floating on the water ("Draft DR").

The Draft DR Creates Regulatory Inconsistencies.

By its terms, the Draft DR purports to impose rules for determining whether a "dwelling unit floating on the water" is permitted or prohibited under the *existing* Shoreline Master Program ("SMP"). The first paragraph of the Draft DR expressly states that "new floating dwelling units that locate on Seattle waters *after* the effective date of the SMC Chapter 23.60A will be subject to the new code." Given DPD's estimate that the new Chapter 23.60A will take effect "in early 2014," the Director's Rule, if adopted, would have limited, if any, application beyond that date. The Draft DR does not simply modify or interpret the proposed Chapter 23.60A, it applies an entirely different set of standards and criteria for determining what vessels will be treated as exempt vessels as opposed to unlawful dwelling units.

NMTA lobbied the City to avoid the unfair regulatory practice of having only a discrete set of vessel manufacturers recognized as legitimate vessels containing dwelling units under the proposed Shoreline Master Program. The City declined to change this unacceptable language. See Ordinance 124105. While NMTA takes issue with several of the Draft DR criteria, it is a distinctly different set of regulatory standards for determining vessel status and more reasonable than those in the pending Chapter 23.60A.214(B)(1).

A more appropriate and long-term resolution of this issue should take the form of a Director's Rule that interprets the *new* SMP vessel provisions such that ANY vessel meeting the standards set forth in SMC 23.60A.214(C) qualify as vessels containing lawful dwelling units.

The Proposed "Performance Test" is Unnecessary and Overly Burdensome.

While NMTA supports the City's efforts to clarify vessel status under the SMP, the Draft DR creates an expensive and burdensome process of demonstrating vessel navigability. The proposed "Performance Test," is wholly unnecessary, and should be limited, if at all, to instances involving discretionary DPD enforcement actions.

The Proposed Rule Creates a Competitive Disadvantage for the Seattle Industrial Community.

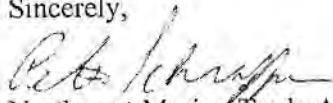
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Statewide Legislative Action is Warranted.

The City would be benefit by supporting a statewide effort aimed at promulgating new WAC rules or legislation clarifying standards for allowing floating dwelling units and commercial and industrial waterfront businesses. Reliance on a "Performance Test" is not a workable or efficient way of regulating desirable uses under the State Shoreline Management Act. Similarly, the ad hoc reference to acceptable brands of vessels in the pending SMP is also unfair and puts Washington vessel manufacturers out of work.

We welcome the opportunity to meet with you and other City officials to discuss these matters. We urge you not to adopt the Draft DR until such time as these key issues are adequately addressed.

Sincerely,



Northwest Marine Trade Association
Peter Schrappe

Vanneman, Jill

From: Sugimura, Diane
Sent: Wednesday, October 16, 2013 9:06 AM
To: Vanneman, Jill
Subject: FW: DPD's Draft Director's Rule X-2013 Floating Dwelling Rules
Attachments: Prelim DR Floating Dwelling Units.pdf

From: Doug Dixon [mailto:DougD@PacificFishermen.com]
Sent: Thursday, October 10, 2013 8:40 AM
To: Lumsden, Faith; Sugimura, Diane
Cc: Bagshaw, Sally; Burgess, Tim; Clark, Sally; Conlin, Richard; Godden, Jean; Harrell, Bruce; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; Ferguson, Bob; Hague, Jane; julia.patterson@kingcounty.gov; Lambert, Kathy; kcexec@kingcounty.gov; Larry Gossett (larry.gossett@kingcounty.gov); Phillips, Larry; Michael Alvine (michael.alvine@kingcounty.gov); VonReichbauer, Peter; Reagan Dunn (reagan.dunn@kingcounty.gov)
Subject: DPD's Draft Director's Rule X-2013 Floating Dwelling Rules

MARCO Shipyard, Duwamish Shipyard, Foss Shipyard, Scott Galvanizing.....hey let's get rid of all the house boat builders as well!

How many more businesses have to leave before the City of Seattle DPD Department of Planning and Development and SDOT Department of Transportation get the point that their zoning, parking and bicycle policies are destructive?
How much of the tax base needs to be eroded before the City of Seattle has to cut essential services?
How many more leaves can be peeled from the maritime industrial cluster before the industry collapses and moves to Arlington, Everett, Kent, Bellingham, Tacoma and Anacortes?

We are incensed at the City of Seattle's continued use of **Director's Rules** enacting regulations **without due process**, that so devastates the maritime industrial sector.

Speaking as a Seattle shipyard, through irresponsible rezoning and gentrification, you have robbed us of our dry lands and now want to regulate the submerged lands we work over as well.

Do you not realize that your continued degradation of our maritime industry, the economic engine which provides you with 33% of your tax base, will have significant negative economic impacts on our economy, tying your hands from governing more important things, and degrading your way of life as well?

But speaking in favor of the proposed **Director's Rule**, as a State Licensed Naval Architect, Registered as a Professional Engineer in the State of Washington as required by the proposed **Director's Rule**, on behalf of myself and my colleagues we want to thank you for enabling us to retire wealthy on the dollars from the pockets of City of Seattle tax payers. **ANNUALLY** we will be required to certify vessels as capable of navigation and qualified under your rules. We will charge hefty annual fees and find ways to make everyone compliant who can afford to pay the fees. This will render the proposed **Director's Rule** ineffective, all while we follow the canons of ship design and ethics review dictated under our Washington State Professional Engineer's licenses. The Seattle Department of Planning and Development, as well as the United States Coast Guard, have practically no definition of an unlicensed vessel's capability for navigation.

Both the proposed Shorelines Management Plan (SMP) and the **Director's Rule** have no definition of excluded historic vessels, for which we have more than enough to fill all the city's available moorage slips.

The proposed **Director's Rule** would prohibit powered barges to be moored in our yards for mooring, repair or work in the yard if anyone is living on them, unless a Naval Architect has certified them within the last 12 months to your rules. If the barge has a bunk and a galley it would be classed as a residence, regardless if someone is staying on board

overnight. What is the penalty? Are you going to arrest the vessel you don't call a vessel but really is a vessel under maritime law?

We believe that it is impossible to write a City regulation that accomplishes the State Department of Ecology's objective that does not interfere with normal maritime business. It appears that of the City in promoting this rule is to take away the right of citizens to live in their homes. This violates the avowed statement of intent of the Shoreline Management Program that implies that anyone in violation of revised rules will not be thrown out of their home and will be grandfathered. At worst the violating structure would have to be removed when the current owner dies or moves out.

Speaking against the proposed **Director's Rule**, it appears to prevent any non-powered vessel with living facilities being moored or repaired in our shipyard. We cannot even make a floating caretakers facility under your proposed rules. Examples of unpowered barges that would be illegal under the proposed rule include any work barge containing living or sleeping facilities, such as accommodation and crane barges. We will be unable to bid government jobs which require an accommodation barge for the crew of the vessel. Those absurdities aside, the stripping of the possibility of bringing in a crane barge into do maintenance work at our facilities, or mooring working barge style structures with sleeping facilities, is devastating.

Pacific Fishermen Shipyard and Electric
Doug Dixon, P.E., General Manager
(206) 718-0253
5351 24th Ave NW
Seattle, WA 98107
www.pacificfishermen.com

From: Margaret Freeman [<mailto:fmmargaret@qwestoffice.net>]
Sent: Saturday, September 28, 2013 1:11 PM
Subject: FW: Public Meeting Regarding DPD's Vessel Director's Rule

Below is a draft "fix" by the City with regard to the Seattle Shoreline Master Program and encompasses ALL vessels that want to be used as live boards – not just houseboats. DPD is using the Director's rule, I believe, to avoid conflict with having to change the existing and new SMP's.

The rule can be found at:

<http://www.seattle.gov/dpd/Blog/Prelim%20DR%20Floating%20Dwelling%20Units.pdf>

It is well worth reading over, going to the meeting and voicing your opinion – either then or in writing before the 20th of October. It is also very worthwhile to alert your moorage customers that this is a pending regulation they will need to comply with.

An example of the language follows:

- 2) The floating craft must be used for navigation.
 - a. This must be demonstrated in a performance test verified by a naval architect licensed as a professional engineer in the state of Washington.
 - b. The required minimum standards for the performance test include:
 - i. The demonstration must have occurred within the past twelve months;
 - ii. The craft maneuvered away from and returned to dock under its own power;
 - iii. The entire voyage was self-propelled;
 - iv. The craft was steered from its own helm; and
 - v. The voyage covered a distance of at least one nautical mile.

ALSO: FYI, NMTA is stepping up a push-back against having another bike trail in the parking areas along Westlake Ave. N. – the trail would eliminate parking for businesses in an area that already is jammed AND already has a trail. Talk to Peter at NMTA to see how you can assist. (206-634-0911)

So, my friends, there is a lot going on. Let me know if you'd like to meet to discuss and we'll make it happen.

Best,

Margie

President, LUA

Begin forwarded message:

From: Shoreline Master Program Update <dpdmailer@seattle.gov>
Subject: Public Meeting Regarding DPD's Vessel Director's Rule
Date: September 27, 2013 4:42:23 PM PDT

We're reviewing the way the City evaluates vessels used as floating residences. We have a preliminary draft of a director's rule. We want your input before we release a draft for formal public review.

We're hosting a public meeting **Oct. 1** to discuss the preliminary rule and to get your input. Come join us at **6:00 p.m. at 415 Westlake Ave. N.**

Can't join us? You can still submit comments by email or in writing until Oct. 20.
<http://bit.ly/14nTYMG>

Vanneman, Jill

From: Alan Bohling <alan@seattleboat.com>
Sent: Wednesday, October 16, 2013 8:46 AM
To: Vanneman, Jill
Subject: The proposed Director's Rule creates major problems

Dear Code Compliance Coordinator Vanneman,

Please do not use the Director's Rule to create undue hardship on the maritime small business in Seattle.

Seattle Boat Co. is a marine business operator along the shorelines of Seattle and desires rules and regulations that are consistent and easy to understand and comply to.

The Draft DR Creates Regulatory Inconsistencies.

The Draft DR purports to impose rules for determining whether a "dwelling unit floating on the water" is permitted or prohibited under the existing Shoreline Master Program ("SMP"). The first paragraph of the Draft DR expressly states that "new floating dwelling units that locate on Seattle waters after the effective date of the SMC Chapter 23.60A will be subject to the new code." Given DPD's estimate that the new Chapter 23.60A will take effect "in early 2014," the Director's Rule, if adopted, would have limited, if any, application beyond that date. This is the case because the Draft DR does not simply modify or interpret the proposed Chapter 23.60A, it applies an entirely different set of standards and criteria for determining what vessels may be regulated as dwelling units and what vessels may be considered exempt from the SMP.

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Statewide Legislative Action is Warranted.

The City would benefit by supporting a statewide effort aimed at a new law around rules or legislation clarifying standards for allowing floating dwelling units and supporting the unique needs of commercial and industrial waterfront businesses. Reliance on a "Performance Test" is not a workable or efficient way of regulating desirable uses under the

State Shoreline Management Act. Similarly, the ad hoc reference to acceptable brands of vessels in the pending SMP is also unfair and puts Washington vessel manufacturers, brokers and other service providers out of work.

Sincerely,

Alan Bohling
4051 Williams Ave N
Renton, WA 98056

Vanneman, Jill

From: Bonnie Robergtson <bonnie@nwyachtbrokers.com>
Sent: Wednesday, October 16, 2013 8:46 AM
To: Vanneman, Jill
Subject: The proposed Director's Rule creates major problems

Dear Code Compliance Coordinator Vanneman,

Please do not use the Director's Rule to create undue hardship on the maritime small business in Seattle.

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Sincerely,

Bonnie Robertson
901 Fairview Ave N
Seattle, WA 98109

Vanneman, Jill

From: Kelli G <Kelli@campbellmaritime.com>
Sent: Tuesday, October 15, 2013 8:58 PM
To: Vanneman, Jill
Cc: Traci Goodwin
Subject: Goodwin Comment Shoreline DR
Attachments: DPD Comment Letter 101513.doc; ATT00001.txt

Hi,

Please consider my attached comment letter regarding the Shoreline DR.

Kelli Goodwin
1080 West Ewing Place A14
Seattle Washington 98119

October 15, 2013

City of Seattle
Attn: Ms. Lumsden & Shoreline DR
Department of Planning and Development
700 Fifth Ave, Suite 2000
PO Box 34019
Seattle Washington 98124-4019

RE: The New SMA and Proposed Director's Rule for Vessels

Dear Ms. Lumsden and the Department of Planning and Development:

Firstly, I would like to share with you my love of this waterway. I grew up on Lake Washington waterskiing, windsurfing, sailing, kayaking, jet skiing, swimming, etc. I have a deep appreciation for these waters and the joy they bring to the community. My parents have been avid boaters in the northwest waters and I have spent summers boating in Puget Sound, the San Juans and Gulf Islands since I was a baby. That love of boating and of playing on Lake Washington has shaped my adult life.

Today my livelihood is on these waters. I hold a 1600ton Masters license (ship's captain papers) and have worked locally on tugboats for the past twelve years. I was called on earlier this year to take a position as Captain of the Crew Boat on the 520 Bridge project and am currently doing just that. It only makes sense that I also live on the waters I love so much.

My home is the Island Otter. The Island Otter has been a documented vessel with the United States Coast Guard (USCG) since 2005, which is the year it was built. I have paid my boat tabs with the State of Washington every year. I have made a very substantial investment in my vessel. I stopped adding up my investment once I hit \$250,000, but my investment in the Island Otter is probably a bit beyond that. I paid for my home by selling my previous vessel and then taking out a boat loan once the Island Otter was completed and surveyed. To now deem her as anything other than legal as she now sits is unfair and discriminatory. She is completely seaworthy for her intended waters and purpose. She is equipped with a proper anchor, a bow thruster and stern propulsion, radar, chart plotter, and American Boat and Yacht Council (ABYC) electrical wiring. The Island Otter was also built with two large holding tanks incorporated into her hull, one for black water and one for gray water. She was built to be in compliance with the Federal USCG, State and at the time, City, definitions of a vessel and she does comply. I did due diligence in my research and met all City requirements when I built my vessel. My due diligence included relying upon the 1994 City guidelines about the definition of a

vessel when I designed the Island Otter, as well as phoning the author of one of the city's publications clarifying the definitions of Floating Homes v. House Barges v. House Boats v. Vessels. In my discussion with the author of the definition paperwork, I was told the plans for the Island Otter would not be cause for any issues with the City.

My neighbors and I live in a very small footprint with very little impact on our surroundings. We practice Best Management Practices (BMP) around the marina and in our homes. Our neighborhood BMPs include using the marina shower and bathrooms at the top of the docks when able, choosing phosphate free soaps, picking up garbage from the waterway when it floats in and properly disposing of it, washing our vessels without soap or with very little and handling fuel and oil properly. We have far less impact as a community than houses on the lake whose lawn fertilizers runoff into the lake and whose residents may wash their cars in their driveways without thought to the soap they purchase and how that is running into the lake.

As you consider what your Final Draft of the Director's Rule regarding residences such as mine, please consider the following:

- 1) Many liveaboards have sizeable investments in their boats/homes. Please consider somehow counting all of us who have been legally living on our vessels and issuing some sort of City license for our vessels. Such a license would allow these homes to continue to be used as liveaboard residences and not be placed in a category where our investments may lose considerable value by being defined as 'non-conforming' uses or structures.
- 2) When deciding who can verify steering or self-propulsion, should you move forward with that test, please consider marine surveyors, DPD inspectors trained on what to look for and marina managers. The added expense of finding a naval architect is unnecessary to accomplish DPD's goal on this matter and unnecessarily expensive for vessel residents to hire. For comparison, consider the home buyer who hires a home inspector for insurance and loan purposes and would never consider hiring an architect to tell them if the home is stout and in reasonable condition to serve as a dwelling.
- 3) Dock side navigation verification. As a professional captain, I strongly suggest eliminating the idea of a one nautical mile cruise for several reasons: weather conditions, insurance coverage, city liability, and other safety concerns. Instead, if DPD insists on a show of a vessel's navigability, have the demonstration take place with the vessel tied to the dock. No insurance or liability concerns need to be created for the purposes of the test. The City's liability is also greatly reduced. It will be obvious to anyone whether the vessel is able to steer itself and if it has propulsion. While I have experience operating all types of vessels, not everyone who owns a boat has this kind of experience. I really think the City would be placing itself in a very precarious position requiring owners to take their vessels away from the dock.

- 4) Related to a required demonstration, I am concerned that if a vessel owner is pushed to perform a demonstration that he or she knows the vessel might fail, the owners may just abandon their vessel. The result will be an uprising of derelict vessels in the city. I am familiar with persons living aboard vessels that they purchased as inexpensive housing, knowing full well that the vessel was without engines, or that the engines were seized. This could create a huge issue for marina owners and for the city. The state already has more derelict vessels and related expense than it can handle. Consider a liveaboard license for existing liveaboards and in your enforcement efforts moving forward, ensure every future vessel has functioning engines and running gear.

- 5) Regarding the concern of shading. If my liveaboard vessel was not moored in its slip and a non-liveaboard as moored there instead, the non-liveaboard vessel would cast the same shadow while at the dock as my vessel. And, there is no guarantee that the other vessel would ever leave the dock. Some people purchase vessels as a place to entertain and serve cocktails on nice days.

Thank you for considering my comments and for your time regarding this matter. I also want to compliment you on the October 1, 2013 meeting held on Westlake. I really appreciated everyone who spent their evening that night helping sort through the community's issues and concerns. I am looking forward to seeing your revised Rule.

Sincerely,

Captain Kelli Goodwin
Vessel Island Otter
206-910-5457

Vanneman, Jill

From: Les Kerr <les@morsekob.org>
Sent: Wednesday, October 09, 2013 11:58 AM
To: Vanneman, Jill
Cc: Lumsden, Faith
Subject: Comments on proposed Director's Rule X-2013

Dear Ms. Vanneman,

Thank you for the opportunity to comment on the draft Director's Rule.

My wife and I own a houseboat on Lake Union (see <http://bit.ly/1a2u1B9> for information about our boat, the *Pied-a-Mer*). I have read the preliminary draft of the Director's Rule (dated September 18, 2013), the Seattle Shoreline Master Program document (currently under review by the Department of Ecology), and the Tip 229 memo concerning houseboats. I have also attended the briefing by Faith Lumsden at China Harbor Restaurant on August 22nd and the table discussion meeting held at Kakao Coffee Shop on October 1st.

My first impression when I read the draft Director's Rule was very favorable. I found it to be clear, logical, and something I could live with. I knew I'd be able to satisfy the performance test (<http://bit.ly/16Onija> shows my houseboat being used for navigation), and in fact it might even be fun. I'm not thrilled with the idea of paying a naval architect to witness the test, but I could justify the expense if that's what it would take to confirm the legality of my boat once and for all. Being designated a "nonconforming use" does not particularly bother me. It's the cloud of uncertainty that we find ourselves in right now that's untenable.

A broader view

Going beyond how the Director's Rule would affect me personally, I began to reflect on how it might impact other boat owners and the Lake Union shoreline generally. My wife and I have kayaked on Lake Union for 25 years, and this has given us an intimate knowledge of its shoreline. We never tire of exploring its varied and diverse features: Gasworks Park at the north end, the new Lake Union Park at the south end, the unique and colorful floating homes and houseboats in between, and even the commercial activity such as the dry docks and the Kenmore Air seaplane facility. The last thing I'd want to see is for the shoreline to be dominated by any particular use, whether it be floating mega-mansions or marinas full of lookalike pleasure craft. If the City cracks down totally on houseboats, we'll lose an essential element of the waterfront's diversity.

I'm also concerned on behalf of the owners of potentially compliant houseboats for whom the proposed performance test may impose an undue hardship. Some owners may not have the necessary skill to safely navigate their vessel, or their boat may be moored in a location that does not have easy access to open water.

Given that the new SMP would prohibit any new houseboats, the question is whether the current number of houseboats is acceptable or excessive. In my opinion, the current number is appropriate, and any significant reduction would make Lake Union less appealing than it is now. With that as a premise, I would like to offer the following suggestions for interpreting the ambiguous phrase "designed and used for navigation".

Designed for navigation

In the new SMP, the City has established a precedent of regulating vessel use by "design class", listing in Section 23.60A.214 examples of manufacturer categories that are treated one way or another. I propose that the same philosophy be used for determining which houseboats meet the requirement of being "designed for navigation". Once a

particular vessel, for example a Cruise-a-Home or a Mike Kelly houseboat, has been determined to meet the requirement, then all Cruise-a-Homes or Mike Kelly houseboats would automatically qualify. This initial determination could be by DPD memo in obvious cases (e.g., Cruise-a-Homes), or by performance test or naval architect assessment in less obvious cases (Mike Kelly houseboats might fall into this category). This would greatly streamline the process for many houseboat owners, and allow for appropriate emphasis in more problematic cases.

Used for navigation

The "used" part of the phrase "designed and used for navigation" is open to a wide range of interpretation. When I first read it, I took it to mean *present and ongoing* use. I have since spoken to others who believe that *once in the lifetime of the boat* qualifies as "used for navigation". The words themselves don't resolve the issue, so further clarification is needed. I would propose something along the lines of "a vessel must leave the dock and return under its own power at least once every five years" as a reasonable requirement. This is about the frequency that boats need to be hauled out for bottom painting or insurance/mortgage surveys anyway, so it shouldn't be an undue burden on the boat owner.

Although I don't feel personally inconvenienced by the proposed Director's Rule, I am concerned that it may adversely impact some boat owners who acted in good faith when they purchased their vessels, without providing commensurate benefit to the public at large in terms of a more attractive waterfront. Please consider revising the draft rule along the lines that I've suggested above.

Sincerely,

Les Kerr
Owner of the houseboat *Pied-a-Mer*
China Harbor Marina, Lake Union

Vanneman, Jill

From: Lisa <lisa.datatrends@gmail.com>
Sent: Wednesday, October 09, 2013 9:58 AM
To: Vanneman, Jill
Subject: Save Our Houseboats

Hello Jill - I would like to see houseboats currently living IN (not over) the waters of Lake Union exempted from having to retrofit to comply with laws currently being written. I've been given estimates as high as \$40K to replace my current floats with pontoons. This is an onerous expense. Does the city of Seattle really want me to be out on the lake driving my houseboat around, creating pollution, when I'm perfectly content to enjoy my craft while moored in a marina that I consider to be my community? I will do what I must to comply, but the process is beyond baffling and a tremendous financial burden to be unfairly absorbed by few people. And to what end? In other words, how will all of this help make the world a better place?

Thank you,

Lisa Kimmerly

Sent from my iPhone

Vanneman, Jill

From: joyce selover [craftsfromjoyce@yahoo.com]
Sent: Friday, October 04, 2013 6:59 PM
To: Vanneman, Jill
Subject: Housboats

Please keep the Seattle Houseboats Safe

Vanneman, Jill

From: John Lytle [jplytle@gmail.com]
Sent: Friday, October 04, 2013 11:23 PM
To: Vanneman, Jill
Subject: Exempt existing houseboats

Keep existing Seattle houseboat-vessels safe. Create a Director's Rule that exempts existing houseboats.

John Lytle

Vanneman, Jill

From: Wally and EJ [namberej@gmail.com]
Sent: Friday, October 04, 2013 1:27 PM
To: Vanneman, Jill
Subject: Houseboats

If you feel these houseboats need to be restricted, by all means pass legislation to that end. Please grandfather the unique ones that presently exist. Every time we visit Seattle we tour Lake Union to enjoy these creative home/watercraft. It strikes me as unconscionable to retroactively outlaw investment that have been allowed for decades. Take command of the future but not at the expense of the creative past. Do not eliminate these unique houseboats that enlighten Lake Union.

Sent from my iPad

Vanneman, Jill

From: Peter Byers [pbyers@u.washington.edu]
Sent: Friday, October 04, 2013 11:52 AM
To: Vanneman, Jill
Subject: Houseboats and their relatives

Dear Ms. Vanneman,

We have a "houseboat" as we refer to it in the Gas Works Park Marina. The current changes proposed in the Director's rule would make life difficult for us and probably for many of the others in this marina and could impose substantial financial losses to many. If the major aim of the changes is to improve water quality, then it seems that we should be permitted to pump out on a regular basis (which we do for both black and grey water) or allow a closed sewage system to be installed that would assure that all liquid wastes are kept out of the lake. This seems to be a simple compromise and one that would benefit the houseboat community and the city.

Thanks for your considerations.

Peter Byers

--

Peter H. Byers, MD
Departments of Pathology and Medicine (Medical Genetics)
Box 357470
University of Washington
Seattle, WA 98195-7470
Phone: 206-543-4206
FAX: 206-616-1899
Collagen Diagnostic Laboratory: <http://www.pathology.washington.edu/clinical/collagen/>

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Vanneman, Jill

From: Starr Blum [starrb1013@gmail.com]
Sent: Friday, October 04, 2013 10:02 AM
To: Vanneman, Jill

Keep existing Seattle houseboat-vessels safe. Create a Director's Rule that exempts existing houseboats.
Thank you.
Starr Reed

Vanneman, Jill

From: Jerry Barnhart [jerryb@wexley.com]
Sent: Friday, October 04, 2013 8:35 AM
To: Vanneman, Jill
Cc: Lake Union Liveboard Association
Subject: Keep Seattle Houseboats For All

Thank you for the opportunity to comment on the proposed houseboat rules modifications. I am a houseboat owner at the Seattle Marina and will be impacted by any rules changes.

I believe it to be in everyone's interests to ensure safe and enjoyable shoreline regulation. However these current rule modifications are unfair, not uniformly applied, costly, and add nothing appreciable to shoreline management.

It is unfair because, as written, it narrowly singles out certain vessels, not all vessels. Why? What difference do the rules changes make to safety? To inhabitability? To shoreline management? New rules should apply only to new stock . . . it makes no sense and is inherently unfair for these rules to apply to existing stock. New rules, new boats . . . old rules, old boats.

It is not uniformly applied because, as written, it doesn't apply to all floating stock. What about sailboats? Fishing vessels? Tugs? Barges? Can we please include, as part of any rules changes, all floating stock?

It is costly, because as written, certain boat owners will be forced to spend up to thousands of dollars to comply with new regulations. Why? What have these people done, other than to live peacefully in a dwelling which suddenly not okay?

It adds nothing appreciable to shoreline management. If there is any shoreline management improvement to be gained, go after the numerous derelict vessels that lie at anchor, eyesores, rusting hulks obviously left to leach poisons and effluent and rot in our pristine waterways. THAT would be shoreline improvement.

Seattle houseboats have been as much a part of the history and culture of Seattle as the Space Needle and Boeing (please tour the MOHAI and observe the houseboat exhibit for a refresher course on what houseboats provided to Seattle and it's residents). Houseboats are not only affordable housing stock, badly needed in these times. They also provide an artistic and elegant density to downtown life. Juxtapose the houseboat community against the concrete and steel high rises now under construction in SLU. Which would residents rather see?

Houseboats have and should remain a significant part of the culture and the character of the city. If these rules are passed without reasonable modification, there will be Seattle tax paying residents inevitably and perhaps irretrievably angry. These people vote. And they will act to correct wrongs.

I urge you to please reconsider these rules, make them fair, uniformly applied, and for only new floating stock.

Thank you.

Vanneman, Jill

From: Gary Peterson [garylpetersonjr@hotmail.com]
Sent: Thursday, October 03, 2013 4:29 PM
To: Vanneman, Jill
Subject: My houseboat
Attachments: testlaunch.JPG

Hello,

I'm writing to give some input from the perspective of a Lake Union liveaboard who has dedicated several years of his life for his love of living on the water.

After starting my career as a designer in the field of deep ocean exploration, I decided to design and build a houseboat to live on as many friends of mine had designed and built sailboats and power catamarans to live on. For many boaters, including fishermen, the boat is their home and primary residence and is designed and set up as such.

I designed it myself and spent three years of my life living in a tent in an Everett boat yard just to build the steel hull. The wooden superstructure and hybrid propulsion system was completed in a year. It has a clean burning, propane fueled generator powering four electric motors generating 600 pounds of thrust, plenty for navigating inland lakes.

After launch, my first trip was thirty miles in Puget Sound from the Port of Everett to Lake Union. I've been as far inland as Lake Washington with the boat.

It has 16,000 lbs. of lead ballast and draws 5 feet of water for stability in all conditions. It has a steel hull, excellent maneuverability, reliability and range.

To suggest that my boat is not a 'real' boat and simply a thinly disguised housebarge would be wrong, considering as much of the design was committed to the propulsion system as to the liveaboard features.

I also designed it with space allocated to add gray water tanks as soon as that becomes a regulatory requirement. For now, it has black water tanks and biodegradable products are used in the overboard gray water. Nontoxic. Unlike most home's lawn fertilizer!

I still live at Gasworks Park Marina where the 'Architeuthis' is moored. Gasworks is the unique, liveaboard, floating village consisting of a wide range of characters from young professionals to aging hippies that made me fall in love with and want to continue to protect Lake Union.

It has always been a liveaboard neighborhood and I insist that is the most productive, positive use for it with the best overall effect on the surrounding community.

Gary L. Peterson Jr.
2143 N. Northlake Way #12
Seattle, WA. 98103

206-778-6762



Vanneman, Jill

From: Jeanne Gransee Barker [jeannebarker@mac.com]
Sent: Thursday, October 03, 2013 3:17 PM
To: Vanneman, Jill
Subject: Exempt existing houseboats

Keep existing Seattle houseboat-vessels safe. Create a Director's Rule that exempts existing houseboats.

Please don't let the people who bought their houseboats in good faith, abiding by the rules, be punished.

JEANNE BARKER DESIGN

206 863 7460

www.jeannebarkerdesign.com

Vanneman, Jill

From: Elisa Sansalone [esansalone@gmail.com]
Sent: Thursday, October 03, 2013 1:48 PM
To: Vanneman, Jill
Subject: DPD Director's Rule relating to Floating Residences

Jill Vannemann,

My name is Elisa Sansalone and I live aboard the "Island Otter" with my wife Kelli Goodwin, who happens to be a Coast Guard Certified/Licensed tug boat captain. I am a City of Seattle Marshal who works at Seattle Municipal Court. We moor our vessel at Nickerson Marina located in the City of Seattle. We designed and constructed our boat to comply with the 2004 guidelines posted on the City of Seattle DPD website. We have been living on board our boat now for over eight years.

I would like to thank you for the opportunity to comment on the proposed Director's Rule for Floating Residences. One issue that concerns me in the proposed rule is the requirement of a navel architect to verify if a structure is indeed a vessel. If I was choosing to purchase a boat (for recreational, work, fishing, etc) I would not hire a navel architect, I would utilize the services and expertise of a marine surveyor to assess if a boat was sea worthy and in good working condition. I liken the process to buying a house. I would not hire an architect to tell me if a house I wanted to purchase had issues; I would hire a home inspector.

I understand the personnel in the Department of Planning & Development state they do not have the expertise in vessel design and therefor need a navel architect to assist them with their decision. Yes boats come in many shapes and sizes, as do houses, apartments, commercial buildings, and yet you do not need an architect to assist in the inspection of those structures. You use building inspectors. Marine surveyors go through a state accreditation process and must have years of experience in the marine industry. They will provide more than enough expertise on whether a vessel is a vessel or not and be much more reasonable in obtaining their services and most probably affordable should the City choose to use this method of certification.

My nest issue with the proposed rule is the fact that the city professes not to be in the business of regulating vessels in the water. We have the United States Coast Guard for this task. The Coast Guard requires all vessels operating on the water to have proper safety equipment, navigation lights, sound signals, placards, rules of the road on board, and a WA state boater safety card if you are the operator. This is the job of the Coast Guard. But now it appears this rule is making the city get involved in the regulation business of vessels on the water with the proposed requirement of having the navel architect ride the vessel or go along side the vessel to observe the vessel transverse a nautical mile on it's own power. I cannot imagine the risk assessment people for the City of Seattle are going to sign off on this part of the proposal. I fear the lawsuits if anything goes wrong during the sea trial and anyone gets hurt or property gets damaged. This certification can completely happen while the vessel is tied to the dock. A boat can turn on it's engine, an inspector can determine the boat has power, the rudders can be moved around to show steering ability. The props can be observed as working properly, and the boat can be put into gear. All showing an Inspector the boat has power and ability to move on it's own power. No need to worry about wind and weather conditions. No need for the boat owner to obtain additional, unwanted or needed insurance for travel in the lake.

I want to also add to the discussion of affordable housing. If you haven't noticed, it's a dying breed. I work for the city. My commute is five miles. I make a good wage but not good enough to live in my own city anymore. I represent a growing number of people unable to afford to live in downtown Seattle. More high rises, high rent,

luxury buildings coming to a neighborhood near you. Don't kill off this group of tenants who represent an affordable alternative to living in Seattle.

I urge the DPD to listen to the Stake Holders group who did so much of the work for DPD and who truly represented all those citizens involved in the process of coming up with rules and regulations. If the reasoning is to limit liveaboards, or control gray water, or manage shadows caused by vessels for salmon runs, then tackle these issues. Take attendance, get a live aboard license program, and regulate it. Work to impose future gray water collection. Work with marina owners on placement of larger boats to diminish the shadows and their effects. Don't force current owners to pay for the lack of regulation by evicting them. There is no need for that. It is a community willing to work with the city to figure this out.

Unless the City adopts a registration and amnesty program, the city will continue to struggle with these issues over and over again, and damage what has come to be a close knit houseboat community.

Sincerely,

Elisa Sansalone
esansalone@gmail.com

Vanneman, Jill

From: Jeffrey Klein [jeff@efoodnet.org]
Sent: Thursday, October 03, 2013 11:41 AM
To: Vanneman, Jill
Subject: Seattle Houseboat Policy

Dear Ms. Vanneman,

My partner and I live on Lake Union in a houseboat that we purchased in October of 2012. She and I reviewed the laws, maintain two outboard motors, dispose of waste with a pump-out service, and are able to capture grey water. We can navigate the boat from the upstairs cabin.

We feel that houseboats contribute to a unique atmosphere in our city, one that makes us special. More practically, there are hundreds of people who have invested their lives in their homes, and are feeling like they may lose their livelihoods over "clarifications" that really are new regulations. We're all struggling to understand the apparent vendetta against houseboat owners. It seems like we may be asked power up, take our boats out onto the lake, navigate back, and comply with other rules that other boat owners will not have to demonstrate. It's as if the shape of our vessel is the determinant factor, and nothing else. Meanwhile, someone living on a sailboat or power boat can dump their waste into the lake and face no scrutiny from the city. We're all confused and concerned, and hope that current homeowners can carry on as good citizens of the city without having to fear that where we eat, sleep, and live will be either taken away from us or rendered value-less. What would help would be to hear that current owners have nothing to fear, and can continue with the policies that we have come understand and abide by.

Thank you,

Jeff

Jeff Klein
Development Director
Emergency Food Network
3318 92nd Street South
Lakewood, WA 98499
253-584-1040
253-363-0195 (cell)
253-984-9368 (fax)
<http://www.efoodnet.org>



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Vanneman, Jill

From: Liz Monrean [lmonrean@gmail.com]
Sent: Thursday, October 03, 2013 11:16 AM
To: Vanneman, Jill
Subject: Houseboats

Dear Jill,

I cant believe this is still an issue. Many years ago I worked on this same issue. The people who live on their boats or on houseboats are the best stewards to our waterways. We need to keep this community.

Sincerely,
Liz Monrean

Vanneman, Jill

From: Amanda McMillon [mcmillon.amanda9@gmail.com]
Sent: Thursday, October 03, 2013 10:58 AM
To: Vanneman, Jill
Subject: Keep existing Seattle houseboat-vessels safe

I am Amanda McMillon, I do support to keeping the existing Seattle houseboat-vessels safe.

Please it will ruin the history of houseboats.

Thank you,

Amanda McMillon

Vanneman, Jill

From: Kilroy Hughes [kilroy_hughes@hotmail.com]
Sent: Thursday, October 03, 2013 10:11 AM
To: Vanneman, Jill
Subject: Don't attack Seattle Houseboats

I'm one of many Seattle houseboat owners that has enjoyed living on Lake Union for many years, and am concerned that currently proposed zoning rules will be applied retroactively to houseboat vessels that were built and occupied under the (vague) rules that currently prevail.

That would be like the city knocking on your door and saying your house is illegal now because someone decided houses have to have peaked roofs, not flat ones.

I assume you would use a sizeable portion of your net worth fighting such an action in court. I know I will.

I support clarifying the definition of new houseboats and phasing in tighter requirements for water quality impact of all vessels, lake side businesses, run-off, etc.

But, the disproportionate action being taken against houseboats is not based on science or metrics, and will not benefit water quality, marinas, business or recreational use of the lake, tourism, etc. Regulations to address the environmental impact of boats were originally proposed and abandoned, probably because thousands of commercial and recreational boaters didn't like them. A couple hundred houseboats are a relatively tiny factor in ecology of the Seattle lake system.

I suspect the currently proposed rule has more to do with developers and property owners who want to keep the cost of lake views as high as possible, or perhaps an attempt to extend zoning control. I don't think most Seattleites will support it once they learn about it, and I hope a new mayor will put an end to it.

Robert K Hughes

Vanneman, Jill

From: Rebecca Young [youngreb@gmail.com]
Sent: Wednesday, October 02, 2013 10:34 PM
To: Vanneman, Jill
Subject: seattle houseboats

to whom it may concern,

i'm writing in support of allowing seattle houseboats to remain as one of the most charming and distinct features of this great city. when i moved here from NY 17 years ago, we looked at renting one - then had a family and outgrew them - but they represent so much that is unique to seattle. it would be a huge mistake to make them leave.

sincerely,

Rebecca Young
6729 Sycamore Ave NW
Seattle 98117

Vanneman, Jill

From: William Ketchersid [willketcher@gmail.com]
Sent: Thursday, October 03, 2013 5:08 AM
To: Vanneman, Jill
Subject: you have my support

you have my support in this endeavor etc

Vanneman, Jill

From: Marta Schee [martaschee@gmail.com]
Sent: Wednesday, October 02, 2013 10:24 PM
To: Vanneman, Jill
Subject: Houseboat issue

Seriously, the best way to resolve this is to exempt existing houseboats and be done with it. Included in the perhaps 115 vessels are about 34 legal housebarges and 30 more which the city turned a blind eye to in the 1990s. Since then the extra 55 or so have arrived with absolutely no meaningful input or direction from the city - about three per year. Most are now on their second or third owner. This fiasco is a tempest in a teapot without end - our own "Bleak House", but without Dicken's humor. The only recourse for us as owners will be to sue the city. We have already started a legal fund and are meeting with lawyers. Please put an end to all of this by ending your actions against existing houseboats. It is both rational and expedient.

Sincerely,
Marta Schee

Vanneman, Jill

From: Kathy J. Marshall [kmarshall@ciwebgroup.com]
Sent: Wednesday, October 02, 2013 10:17 PM
To: Vanneman, Jill
Cc: Jennifer Bagley
Subject: "Keep existing Seattle houseboat-vessels safe. Create a Director's Rule that exempts existing houseboats."

Dear Seattle City Government,

Please take notice about this important issue on keep existing Seattle houseboat vessels safe. This is such a special part of why I love visiting Seattle. A very charming part of the city and I would be so thankful for the existing houseboats to be allowed to remain. I promote your community and talk about the Seattle area as a great vacation and retirement area to consider for professionals nationwide.

Many cities have their history, that special difference that sets a city different from others. Maybe, it would help to instead, talk about the history of houseboats, the peaceful stories behind each home to bring visitors to the city's website to increase traffic and grow the community even further.

Thank you and consider this 1 texan vote to keep the existing house-boats safe.

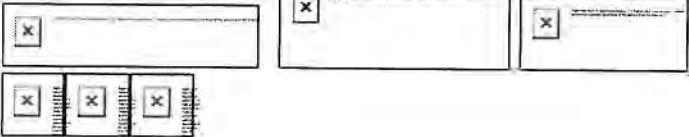
Kathy J. Marshall

www.CIWebGroup.com | www.JenniferBagley.com | www.DNetTV.com

www.SalesSupplyChain.com

Contact Us Resources

877 839-1122 office | 281 770-4916 mobile



Vanneman, Jill

From: garyhawk@gmail.com on behalf of Gary Hawkins [garylhawkins@gmail.com]
Sent: Wednesday, October 02, 2013 10:01 PM
To: Vanneman, Jill
Subject: Houseboats

Hi,

I like houseboats (and even house barges), don't have either, just think they are nice visuals.

With enough talk, I'm fairly certain that a better resolution can be found to avoid a voting backlash against existing public servants, which is what I think is likely to happen if the current plans are pushed through.

Take care and thanks,

Gary

Vanneman, Jill

From: Barry Briggs [barry108@me.com]
Sent: Wednesday, October 02, 2013 9:22 PM
To: Vanneman, Jill
Subject: Save Seattle's Houseboats

Please keep existing Seattle houseboat-vessels safe. Create a Director's Rule that exempts existing houseboats.

Thank you!

Barry Briggs
2402 NE 65
Apt 103
Seattle WA 98115

Vanneman, Jill

From: Karen Bayne [blucanu@gmail.com]
Sent: Thursday, October 03, 2013 8:31 AM
To: Vanneman, Jill
Subject: Houseboats

As a long time resident of Seattle ,I am filled with sadness and shame that Seattle's iconic houseboat-barge community should once again be threatened and targeted for what seems to be abstract,insidious,illogical and mean spirited dissemination. What has long been a community embraced by locals and an attraction to tourists and locals alike is undergoing a fight for it's life.

This is a community where the motto could easily be "Live simply, that others may simply live." Hard working people of Seattle who take pride in their house barges and who are stewards of our waterways.Advocates of a better city and a healed environment.

This in a city where building 500 square foot pods is now a popular idea. We now embrace raising chickens,ride share,mini parks in parking spaces and new bike lanes.

And yet this is also a city where contractors take single dwelling building sites and impose three dwellings (with permits going up after the excavation has begun.) And we say NO.

A city where faulty pontoons issues and disjointed transit systems have plagued us and cost us millions of dollars.

A city unsafe for pedestrians.

I think we should be looking to add to the houseboat community, not subtracting from it.

I will not be voting for incumbent council members this year.

Karen Bayne
Maple Leaf, Seattle

Vanneman, Jill

From: multihullsnorthwest@gmail.com on behalf of Matthew Dunning
[Matthew@MultihullCompany.com]
Sent: Thursday, October 03, 2013 6:34 AM
To: Vanneman, Jill
Subject: Houseboats are part of Seattle's Heritage

Hi Jill,

Houseboats and houseboat-vessels are a beautiful part of Seattle's heritage. They are a form of vessel that has evolved to fit our tranquil Salish Sea. They should be protected just like any other vessel. A population of liveaboards is a sure sign of a prosperous and free community. Remove the houseboats and you might as well gut Fremont, kill the Troll, and firehose the Solstice parade. Those who live aboard boats are leaders in sustainability. Those who would ban them are short-sighted tyrants. Without freedom there is no sustainability and without sustainability there is no freedom. Houseboats are the perfect example of this. The attempt to remove houseboats is literally cutting off your nose to spite your face.

Best,

Matthew Dunning

Vanneman, Jill

From: Lumsden, Faith
Sent: Wednesday, October 02, 2013 1:46 PM
To: Vanneman, Jill
Subject: FW: comments from LULA member

Did I forward these to you?

From: Mauri Shuler [<mailto:maurishuler@icloud.com>]
Sent: Sunday, September 29, 2013 11:20 AM
To: Lumsden, Faith
Subject: comments from LULA member

Faith,
Our board member Lynne Reister asked me to forward this to you... only because she's super busy on boats today.
Mauri

With regard to PROPULSION and STEERING BY OUTBOARD MOTOR

1. Propulsion by Outboards is a typical method of Propulsion
2. Expecting the Outboards to remain on the vessel will:
 - a. Increase the possibility of Oil spills / pollution.
 - b. Extended the length of the vessel creating additional dock coverage
 - c. Extended the length of the vessel increasing the moorage costs / hardship and cost
 - d. Extended the length of the vessel which will restrict the amount of moorage available to moor other vessels
 - e. Outboard remaining on the vessel, lifted at an angle to get them free of the water, to reduce damage to the engines will add even more length to the vessel, more moorage cost, and reduce moorage space.
 - f. Increase the maintenance costs due to exposure; storing them inside the vessel, or under protection
 - g. Expose the outboards to damage/theft
 - h. The new EPA rules for outboard motor portable tanks, to prevent outgassing, include a component which only allows venting in, not escape. As a result, an outboard motor left on a vessel, as ready for operation creates a pollution factor as follows: Because the tank, when exposed to sunlight or heat, expands, the only expansion path is into the engines fuel system, which forces fuel to flow into the water-Pollution.

Therefore, any vessel propelled by outboard engines should not be required to store their engines in position, at ready; they should be stored aboard or on shore storage until necessary.

3. Methods of Steering with outboards include;
 - Tiller control by hand
 - Tiller control by tie-rod
 - Tiller control from remote station / wireless
 - Engine controls are used to steer the vessel for vessels with two outboards

- Joy sticks

Other vessel methods of steering for vessel shall include:

- Tiller control by hand
- Tiller control by tie-rod
- Tiller control from remote station / wireless
- Engine controls are used to steer the vessel for vessels with two outboards
- Joy sticks
- Wheel and rudder(s)
- Tiller to rudder(s)
- Bow / Stern thruster
- Sails

Lodestar: - Guiding Principle; ideal; as, Let the pursuit of truth be your lodestar.

Middle English; lode (course), hence a star by which to direct one's way!

Lynne H. Reister, AMS, SAMS LodeStar Marine - Surveying and Consulting

2538 Westlake Avenue N.

Seattle, WA 98109

206-282-6003

CELL: 206-841-6006

Fax 206-333-1788

LodeStarMarine@aol.com

Vanneman, Jill

From: Lumsden, Faith
Sent: Wednesday, October 02, 2013 10:31 AM
To: Vanneman, Jill
Subject: FW: DPD's Vessel Director's Rule (LINK GOING THROUGH FACEBOOK)?

For our public comment and response file.

From: Lynne Reister @ Lodestar Marine [mailto:lodestarmarine@aol.com]
Sent: Tuesday, October 01, 2013 9:45 AM
To: Lumsden, Faith
Subject: Re: DPD's Vessel Director's Rule (LINK GOING THROUGH FACEBOOK)?

FAITH;

With regard to the statement:

"DPD has been asked to provide a Director's Rule to assist owners of vessels and other floating properties currently moored in Seattle waters who seek to use those properties as residences."

Faith, I ask,

1. Whom, specifically, by name, title, and department, asked? and of whom did they ask?
2. Where, specifically, by name, title, and association / company, do you obtain the term 'Floating Property'.

I note that the term Property is not defined/used in the SRC other than to describe corrosion resistance and the term floating is only found in the definition of floating homes.

Could I have these answers before this evening's meetings please.

Thank You,

Lynne Reister

Lodestar: - Guiding Principle; ideal; as, Let the pursuit of truth be your lodestar.

Middle English; lode (course), hence a star by which to direct one's way!

Lynne H. Reister, AMS, SAMS LodeStar Marine - Surveying and Consulting

2538 Westlake Avenue N.

Seattle, WA 98109

206-282-6003

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-----Original Message-----

From: Lumsden, Faith <Faith.Lumsden@seattle.gov>

To: Kevin Bagley <Kevin@TheKevLin.com>

Cc: Bill Cirino <newbflat@yahoo.com>; Bill Wehrenberg <bill@acadiaconsulting.com>; Brian Sykes

<bbumpsy@yahoo.com>; Greg Baumann <gregbaumann@juno.com>; John Chaney <jchaney@nwlink.com>; John

Geisheker <docdirector.geisheker@gmail.com>; Langdon Miller <langdonlmiller@gmail.com>; Linda Bagley

<Linda@SpecialAgents.net>; Lynne H. Reister <lodestarmarine@aol.com>; Mauri Shuler <maurishuler@me.com>; Mike Sherlock <msherlo@msn.com>

Sent: Mon, Sep 30, 2013 10:47 am

Subject: RE: DPD's Vessel Director's Rule (LINK GOING THROUGH FACEBOOK)?

Here is a copy of the reply from our DPD public relations specialist who runs the website. Kevin, she also replied directly to you.

Hello,

The text in this listserv announcement was copied from what was originally posted on Facebook. For Facebook we used a bit.ly link. We're not doing any tracking with this link.

The direct link to the blog story is:

<http://buildingconnections.seattle.gov/2013/09/18/preliminary-directors-rule-relating-to-floating-residences/>

Moon Callison

Sr. Public Relations Specialist

City of Seattle Department of Planning and Development
Facebook | [Twitter](#) | [Blog](#) | [Web](#) | (206) 615-1486
Building a Dynamic and Sustainable Seattle

From: bagemup4u@gmail.com [<mailto:bagemup4u@gmail.com>] **On Behalf Of** Kevin Bagley

Sent: Sunday, September 29, 2013 6:32 PM

To: Lumsden, Faith

Cc: Bill Cirino; Bill Wehrenberg; Brian Sykes; Greg Baumann; John Chaney; John Geisheker; Langdon Miller; Linda Bagley; Lynne H. Reister; Mauri Shuler; Mike Sherlock

Subject: DPD's Vessel Director's Rule (LINK GOING THROUGH FACEBOOK)?

Hello Faith,

Please provide an explanation as to why the link (a [bit.ly](#) shortened link) contained in this dpdmailer@seattle.gov announcement is going through Facebook with php coding attached to it? This seems very strange for a DPD announcement and concerns me from a privacy standpoint. Is there some tracking going on here?

The [bit.ly](#) link translates into the following link;

http://www.facebook.com/l.php?u=http%3A%2F%2Fbit.ly%2F14nTYMG&h=jAQHUVk26&enc=AZNCqmwuj885BWylFHyms8wCEI3wdhktDSP_UIYYbdIW2Jk3Ea1bxokiCfdtKMjlsW7-V6S05wO7ltdtCeuroECN9D45xvkKUCpJ6V08w_5u3780YxzJHYXX9-l2t6hl4xSoyY4yc40FsbV8Tfq2CvU&s=1

Thank you,

----- Forwarded message -----

From: **Shoreline Master Program Update** <dpdmailer@seattle.gov>

Date: Fri, Sep 27, 2013 at 4:41 PM

Subject: Public Meeting Regarding DPD's Vessel Director's Rule

To: kevin@thekevin.com

We're reviewing the way the City evaluates vessels used as floating residences. We have a preliminary draft of a director's rule. We want your input before we release a draft for formal public review.

We're hosting a public meeting Oct. 1 to discuss the preliminary rule and to get your input. Come join us at 6:00 p.m. at 415 Westlake Ave. N.

Can't join us? You can still submit comments by email or in writing until Oct. 20. <http://bit.ly/14nTYMG>

Stay Connected:     

This email was sent from a send-only mailbox. Please do NOT reply to this e-mail.

To remove yourself from this mailing list [click here](#) or navigate to the following URL:

<http://web1.seattle.gov/dpd/listserv/unsubscribe.aspx?email=kevin@thekevin.com&group=22>

[Privacy and Mailing List Policy](#) | [Contact Us](#)

Kevin Bagley



The "KevLin"

Vanneman, Jill

From: Lumsden, Faith
Sent: Tuesday, October 01, 2013 8:53 AM
To: Vanneman, Jill
Subject: FW: tomorrow's meeting with DPD

Another comment. Not printed yet.

From: Mauri Shuler [<mailto:maurishuler@icloud.com>]

Sent: Monday, September 30, 2013 7:29 PM

To: Lumsden, Faith

Cc: John Chaney; John Geisheker; Bill Cirino; Bill Wehrenberg; Toni Radonich; Kevin Bagley; Linda Bagley; Langdon Miller; Brian Sykes; Barbara Engram; Greg Baumann; Margie Freeman

Subject: tomorrow's meeting with DPD

Faith,

John shared your email with me and I have some questions for you. (With copies to LULA board members.)

Your plan: We're planning to have table discussions where people can discuss and list out things that DPD should consider or use (or not) when determining whether a houseboat is a boat. (Excuse my shorthand for "vessel designed and use for navigation with steering and propulsion.") There will be a chance to write down questions, but we're not planning a Qand A session. Questions go into the parking lot and we'll answer them afterwards when we post the notes from the night. We hope the thinking will be on how to make the rules understandable and fair and meet what the code says. We have a facilitator who will get the meeting going. I'll make a brief presentation and then the table discussions will start. Each table will have a chance to report out to the whole group. DPD will bring enough people to take notes and facilitate discussions. We think this will be a good way to make sure everyone has a chance to be heard. We're bringing comment forms so people can also just write comments. Hope this helps.

- Didn't this get done by the Stakeholder Group? They worked very hard. We all endorsed their findings.
- Why are you starting over? We've spent so much time helping the city figure out how to do this... I'm not ready to start from the beginning again.
- When will we get answers to the questions we've already submitted?
- Are you expecting people to say, 'Yes, we can help you make the Director's Rule understandable and fair and meet the code'? I, personally, won't do that. We agreed to the Stakeholder results, giving away quite a bit to do so. It was good enough.
- How can you expect us to evaluate this DR without the rest of the package agreed to by the city at the last PLUS meeting?
- When will we get these other pieces in writing, so we can be sure they exist?
- With a Director's Rule, why would a houseboat license be necessary?
- Can you recommend a reason we would participate in a group discussion amongst ourselves?
- What is your best hope as a result of this meeting? If I can understand something good will come of it for us, maybe it's worth it. But, we've talked amongst ourselves already and I'm not sure the expense of a professional facilitator will help us endorse this Director's Rule.

I am disappointed, as I at least had low expectations of an actual discussion with DPD. We never have been given the chance for a 2-way conversation with the city. It sounds, again, as if the city has another new plan that we are supposed to endorse blindly even though it will be detrimental to our community.

Mauri Shuler
President, LULA

- What is your best hope as a result of this meeting? If I can understand something good will come of it for us, maybe it's worth it. But, we've talked amongst ourselves already and I'm not sure the expense of a professional facilitator will help us endorse this Director's Rule.

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Mauri Shuler
President, LULA
206-819-3819

Dept. of
Planning & Development

OCT 24 2013

RECEIVED



Shilshole Liveboard Association

October 23, 2013

Faith Lumsden
City of Seattle
Department of Planning & Development
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Susan Fitzgerald
John Guillote
Teresa Wagner
Shawn Gilson
Roland Rodriguez
Jim Doub

Re: Draft Director's Rule X-2013: Dwelling Units on the Water

Dear Ms. Lumsden:

The Shilshole Liveboard Association ("SLA") represents 300 liveboard families – an estimated 600 people – who make Shilshole Bay Marina their permanent homes. We appreciate the opportunity to provide this comment in response to the "Preliminary Draft" Director's Rule ("DDR") referenced above. In short, the SLA and its members oppose the implementation of the DDR as proposed. If approved, the DDR should only apply prospectively, a process for establishing "vessel" status that aligns with reality should be included, performance tests should only be required as a last resort, and alternatives to hiring a "naval architect" should be offered.

The City of Seattle, in a process undertaken by the Department of Planning & Development ("DPD"), issued several draft revisions to SMC 23.60 (the Seattle Shoreline Master Program, or "SSMP"). Although the first proposed revisions involved substantially altering the rights of those living aboard recreational vessels in the Seattle Shoreline, the two year process leading up to those revisions did not involve any representatives or input from the liveboard community. Thereafter, DPD made additional revisions to the draft SSMP which maintained the rights of recreational vessel owners to live aboard their boats if permitted to do so by the marina where their boats were moored. The remaining revisions were intended to remove non-"vessels" used as homes from the Seattle Shoreline.

That has now changed. In a sweeping look backward, DPD proposes to challenge the right of any recreational vessel owner to continue to live aboard his/her vessel.

Before analyzing the operational problems with the DDR, it is important to address errors contained in the DDR's "Background" discussion.

1. In 1987, the SSMP indeed deleted a reference to "floating homes" as a water-dependent use. This implies that other on-water residential uses were likewise deleted, but they were not. "Home moorage" continued to remain as a water-dependent use (SMC 23.60.944); hence, residential use of recreational vessels legally moored in the Seattle Shoreline was a water-dependent use until January 2013. Floating homes, moreover, are now

protected by state law, so removal of a reference to floating homes as a water-dependent use is both irrelevant and misleading.

2. In 1992, the SSMP defined a "house barge" as "designed *or* used as a place of residence without a means of self-propulsion and steering equipment *or* capability. [. . . (sic)]". SMC 23.60.916. While likely included to support DPD's assertion that it required liveaboard vessels to have self-propulsion and steering equipment since 1992, this effort ignores the disjunctive sentence structure and "capability" language, and further fails to address what qualifies as "capability". This is significant, as the new process for defining a "vessel" proposed by the DDR requires more than satisfying the qualities that were lacking for a house barge to be a vessel. Instead, the DDR requires that a "craft" engage in actual and frequent navigation, not just have that it has that "capability." As ambiguous as this language is, a performance test is arguably not permitted.
3. After correctly noting that the City *rejected* a prohibition against "other floating dwelling units, such as those on board recreational vessels" during the SMP revision process in the 1980s, the DDR purports to "*clarify* Seattle Shoreline Master Program requirements for living on the water in a floating dwelling unit **that is not a registered house barge or a floating home.**" This erroneously implies that only floating homes and house barges with permits are approved for residential use, ignoring that residential use of recreational vessels is also a permissible use under SMC 23.60, and continues as a permissible use under SMC 23.60A.200 (although arguably no longer as a "water-dependent use").

LEGAL/PROCEDURAL BACKGROUND:

Prior to January 14, 2013, the SSMP expressly recognized that "home moorage" and the residential use of recreational vessels were water-dependent uses. After passing SMC 23.60A, the inclusion of "home moorage" was deleted, but residential use of recreational boats continued to be an approved use under SMC 23.60A.200, so long as the marina where the boat is moored permits such use.¹

Thus, in the plain language of SMC 23.60.944, living aboard while legally moored in the Seattle Shoreline Management Area was not only a permissible use, but it was a *preferred use*. This was consistent with WAC 332-30-171, "Residential uses on state-owned aquatic lands":

(6) Vessels. Moorage of a vessel, as defined in WAC 332-30-106(74), is a water-dependent use.

(Emphasis added). WAC 332-30-106(74) defines what is meant by "vessel":

(74) "Vessel" means a floating structure that is designed primarily for navigation, is *normally capable of* self propulsion (*sic*) and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety *equipment* on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

(Emphasis added). Thus, giving plain meanings to all terms not defined by statute or regulation, a "vessel" is "a structure that is . . . **normally capable of** self propulsion (*sic*) and use as a means of transportation,

¹ Limitation to 25% of available slips per marina was proposed in the first SSMP draft in 2011, but prohibiting residential use of recreational vessels was not even proposed. Nor was there any suggestion that a recreational vessel legally moored in the Seattle Shoreline must prove that it is "used in navigation." Surprising as it may seem, many recreational vessels, liveaboard and non-liveaboard, do not leave dock every year.

and meets all applicable rules and regulations pertaining to navigation and safety **equipment on vessels...**" The phrase "capable of self propulsion (*sic*) and use as a means of navigation" does not require that a vessel be "used in" navigation. Even the post-1992 SSMPs required only "capability" to be a "vessel." Hence, according to the Washington Department of Natural Resources, a vessel need only be normally capable of navigation and have all required safety and navigation equipment; the DDR's requirements go far beyond these requirements.

The DDR now appears to be moving in the direction of prohibiting the residential use of recreational vessels. That prohibition was expressly rejected on several occasions. Yet the DDR now attempts to accomplish this by requiring recreational vessels to demonstrate that they are "designed **and used for navigation**" – a requirement that is contrary to the pre-2013 SSMPs – that a vessel have "a means of self-propulsion and steering equipment **or capability.**"

COMMENTS ON THE DRAFT DIRECTOR'S RULE ("DDR")

The DDR imposes a performance test for all "craft" when a complaint has been lodged. This sweeps the entire recreational vessel fleet into the scope of the DDR when there had been no prior expressed intention of doing so. Setting the Due Process considerations aside for the moment, the performance test serves no purpose but to make "naval architects" who are "also licensed professional engineers" very rich. The SLA further questions whether a performance test of any kind can be required, and opposes the requirement of a 12-month effective period for any such test.

First, the Seattle Over-Water Residents Stakeholders Group ("SHG") proposed, and DPD agreed to implement, a "kinder and gentler" compliance process in the event a complaint was lodged against a houseboat (and now against any recreational vessel). The recommended compliance process was to implement an early, informal resolution process. Yet the DDR proposes a performance test. Period. The DDR should, at the very least, make it clear that DPD will not require a performance test unless and until a Notice of Violation has been issued. Instead, DPD should engage in a good faith dialogue about whether a "craft" is a vessel. There should also be alternatives to a performance test that would allow a vessel owner to prove that the boat is "used in navigation". Alternatives could include evidence of cruising, such as vessel log books and moorage receipts, published sailboat race results, video and/or photographs of the vessel at anchor or at dock in another port, or verification by DPD staff that it has all the required equipment to be "normally capable" of navigation. We recommend that the checklist proposed by the SHG.

The performance test itself is inherently in conflict with the SSMP. The SSMP includes "barge" in its definition of a "vessel". Barges are typically unpowered, and could not possibly pass the test imposed by the DDR, but they are indisputably "used in navigation." Businesses nonetheless often place "caretaker quarters" on barges, and so these are used for residential purposes. There are also large ships that enter the Port of Seattle every day that do not dock under their own power – they are positioned by tugboats. Without any explanation or justification, this requirement is imposed on non-commercial vessels. The exclusion of residential use for non-commercial vessels while allowing this use on commercial vessels is inherently irrational, particularly when they do not appear to be required to use BMPs to limit the effects of their exterior cleaning or discharge of grey water.

If a performance test is required, there is no justification for requiring a "naval architect" who is "also a licensed professional engineer" to witness the test and prepare a letter/report to DPD certifying that the vessel "passed" the test. The Stakeholders' Group recommended marine surveyors, for example, but this recommendation was rejected. There was discussion at a PLUS hearing that this was because marine surveyors were not licensed by Washington State. The State also does not license naval architects. A professional engineering license does not qualify anyone to observe a vessel undergo the

Ms. Faith Lumsden
City of Seattle, Department of Planning & Development
October 23, 2013
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performance test proposed by DPD. Any neutral third party can stand on the dock or at the helm and certify whether a vessel passed the test. Neither a naval architecture degree nor a PE license is needed to determine whether all required safety and navigational equipment is present or in use. Indeed, neither credential necessarily imbues the holder with any experience in the operation of a marine vessel.

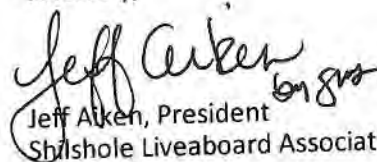
If a performance test is required, and a professional with a Washington State license must certify performance, there are other license holders that have more specific knowledge about vessels and who are perfectly well qualified to observe whether a vessel can complete the performance test laid out in the checklist, *e.g.*, a licensed vessel dealer. Interestingly, most offers to purchase a vessel are usually contingent on the vessel passing an inspection performed by a marine surveyor. The surveyor's report is relied upon by the buyer, the bank or finance company, and vessel insurers. Rejecting the SHG's recommendation that a marine surveyor could certify a vessel emphasizes DPD's admitted lack of knowledge about the marine industry. Yet another option would be a US Coast Guard licensed captain, or an officer of the US Coast Guard Auxiliary (which already perform safety inspections of vessels).

The DDR also provides that, if a complaint is received, a vessel owner can avoid any further compliance efforts by producing a report as discussed above certifying that the vessel successfully passed the performance test "within the past 12-months." This is unacceptable. This requirement raises the specter that a vessel owner (perhaps due only to the fact that he/she is unpopular with the neighbors) may be subject to complaints every year. The DDR plainly states that the owner would need to hire a naval architect/PE to certify the design and navigational performance of the vessel if the last certification was done more than 12 months before the complaint. DPD's intention might be to allow a "craft" to pass just one such performance test, but the DDR is not written that way. Even then, if the certification is good for some period into the future, should a vessel owner be allowed to provide proof that it was "used in navigation" more than a year before the first complaint? In short, the 12-month time period is arbitrary and capricious, and is based on the subjective notion of what a vessel "should" do. Simply because a boater chooses not to use his/her boat every year, it does not logically follow that the boat is not "designed and used for navigation."

Finally, the DDR does not acknowledge that until January 14, 2013, "home moorage" was a water-dependent use. While the battle to restore residential use aboard vessels to water-dependent status must now be waged on a different field, it should nonetheless give DPD pause as it seeks to apply the proposed DR to vessels that were firmly established as liveaboards prior to the adoption of SMC 23.60A.

In short, the Shilshole Liveboard Association and its members oppose the implementation of the DDR as proposed. The DDR, if approved, should only apply prospectively, a process for establishing "vessel" status that aligns with reality should be included, performance tests should be required only as a last resort after an NOV has issued, and the requirement of hiring a "naval architect" should be abandoned in favor of allowing a range of professionals and/or licenses to certify vessel status.

Sincerely,


Jeff Alken, President
Shilshole Liveboard Association, Inc.

cc: Mayor Mike McGinn
Council President Sally Clark
Councilmember Richard Conlin
DPD Director Diane Sigamura